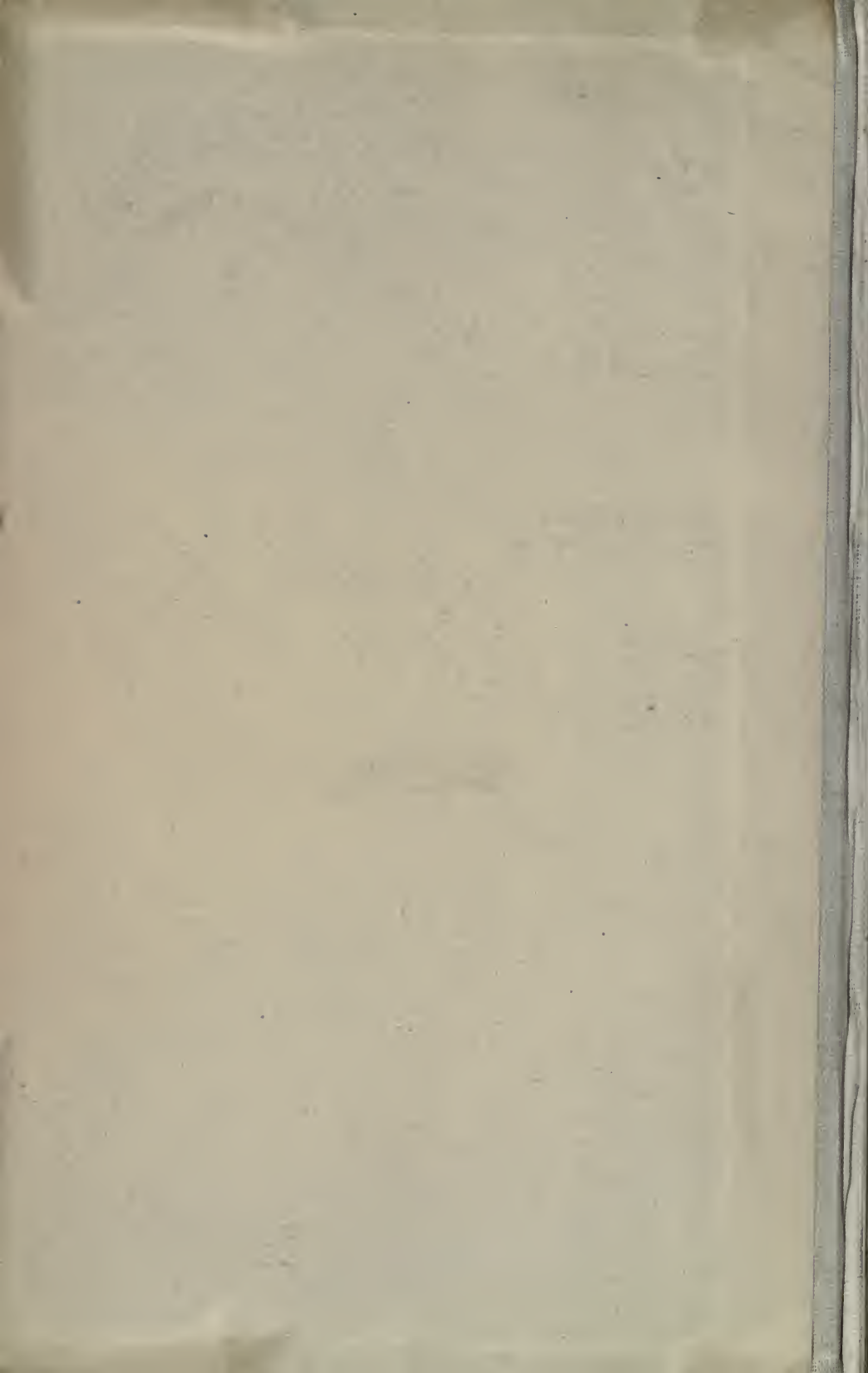
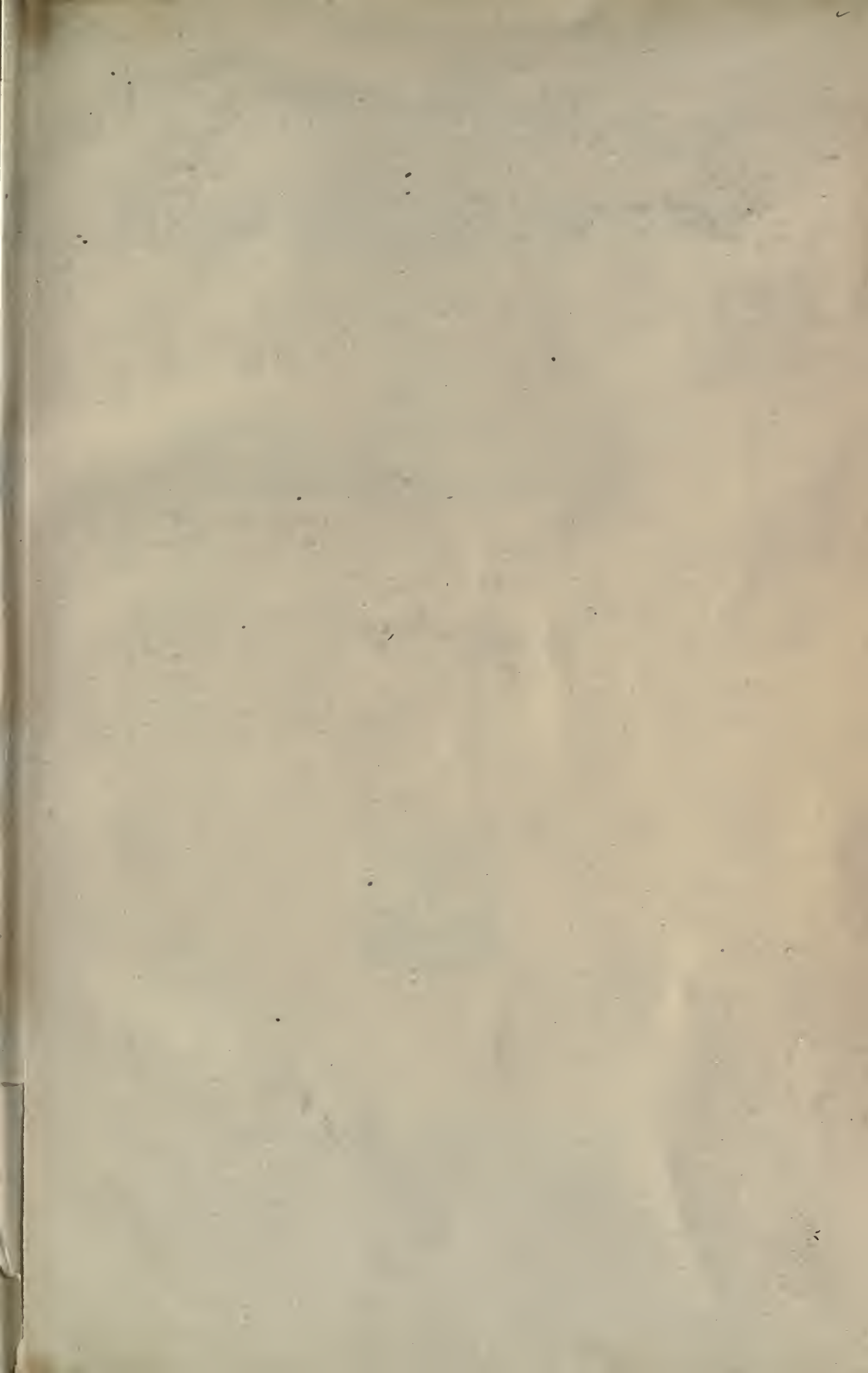
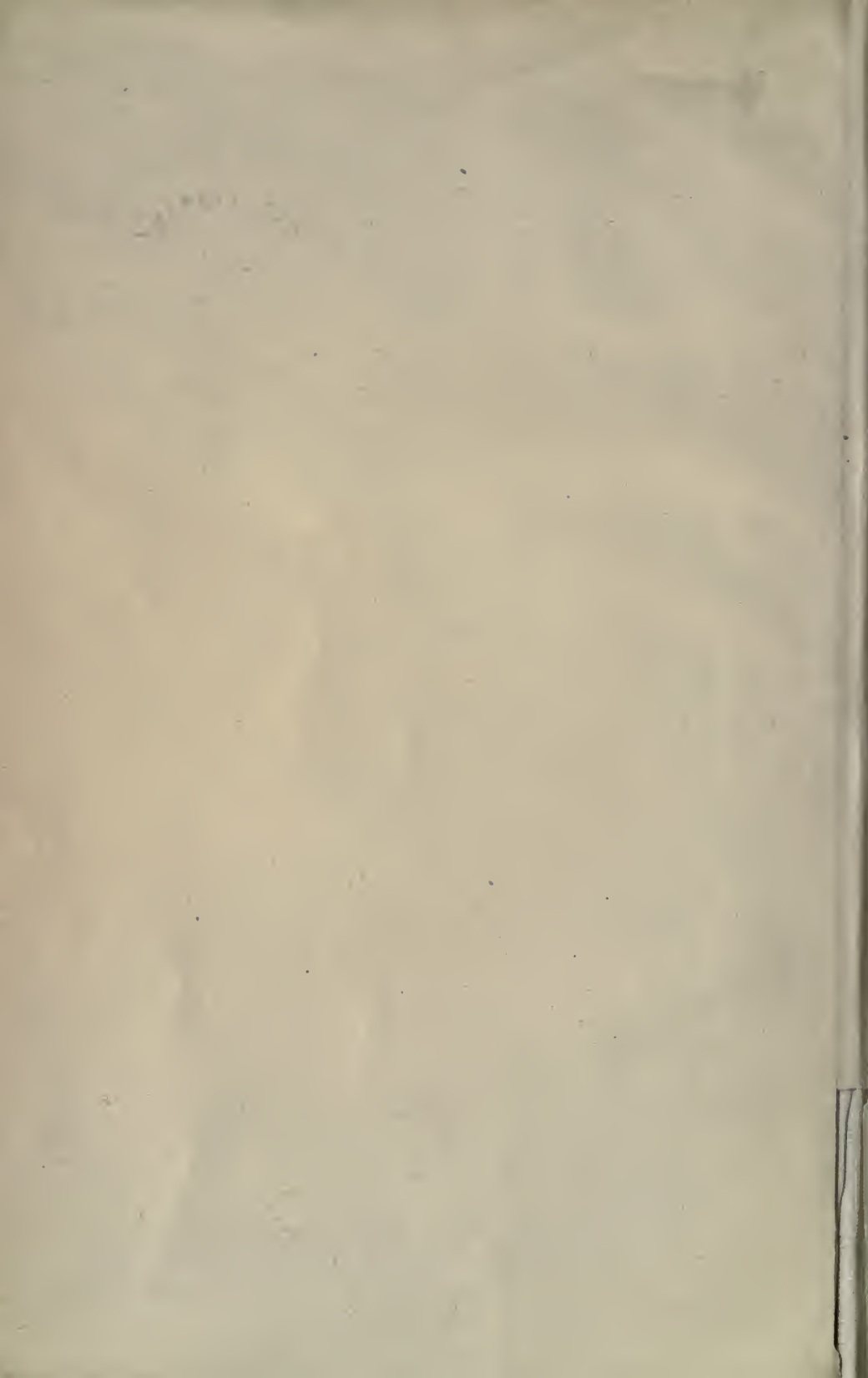


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THE ENGLISH HISTORICAL REVIEW

EDITED BY

REGINALD L. POOLE, M.A., LL.D., Litt.D.

KEEPER OF THE ARCHIVES OF THE UNIVERSITY OF OXFORD
AND FELLOW OF MAGDALEN COLLEGE AND OF THE BRITISH ACADEMY

VOLUME XXX.

1915



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LONGMANS, GREEN AND CO.

39 PATERNOSTER ROW, LONDON
NEW YORK, BOMBAY AND CALCUTTA

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THE ENGLISH HISTORICAL REVIEW

NO. CXVII.—JANUARY 1915*

Old Sarum and Sorbiodunum

OLD SARUM is perhaps the most famous of the 'villes mortes' of England, and it has good ground for its reputation. Even in Roman times it was an inhabited place, which our antiquaries, ever since Camden, have agreed to identify with the Sorbiodunum or Sorviudunum of the Antonine Itinerary,¹ and it was—as indeed it visibly is to this day—a meeting-place of Roman roads. Then comes a blank; the site reappears as an English settlement of some slight importance towards the year 1000, and for two centuries after the Norman Conquest it could boast of a stately cathedral and a castle built in stone. It has now long lain desolate, but huge mounds and ditches mark its ruin; its outer fosse is 100 feet deep and 150 feet wide, and from the high chalk ridge on which it stands its central mound breaks the sky-line of the landscape for miles around.

The earlier English antiquaries of the twelfth and following centuries do not seem to have recognized Old Sarum as a Roman or an ancient place. No one would infer from the way in which Geoffrey of Monmouth or Henry of Huntingdon allude to it that they connected it with any special historic past. Occasionally it, or perhaps rather the district in which it stood, was styled Severia, but even that appellation does not seem to have been given with any idea that it had been a Roman place. Probably it is only a latinization of the two first syllables of its medieval name Searobyrig.² But if the medieval writers failed to add a chapter

¹ The name occurs only in the Itinerary, but there twice. On p. 483.4 the manuscripts spell it Sorviudunum, or the like, while on p. 486.13 they give Sorbiodoni (one manuscript Sorbidoni). The older editors and most English writers prefer Sorbiodunum; some later scholars adopt the *v*. The Peutinger Table mentions a place Sorviudurus in Raetia; otherwise, no Celtic place-names seem to be known that begin with either *sorb-* or *sorv-*. Sir John Rhys tells me that he can find no philological reason for giving a preference to either of the forms.

² John of Salisbury uses Severia for Sarum and Severiana provincia for Wiltshire, once each in his *Policraticus* (vi. 18, viii. 19). Hence probably Higden, *Polychr.* i. 49; Lhuyd, *Comment. Brit.* fo. 15; Leland, *Collectanea*, ii. 397, and elsewhere. From Leland it passed to later antiquarian writers.

of conjecture to what was known about Old Sarum, moderns have supplied the want. In particular, they have tried to fill the gap, or at least a part of the gap, between the Roman age and the end of the tenth century. Thus Guest, in his papers on the English conquest, classes Old Sarum with Cirencester as two stout fortresses which helped the Briton to stay the invader. John Richard Green, who developed many of Guest's suggestions, emphasizes in more detail how in the early sixth century 'the fortress of Sorbiodunum or Old Sarum guarded the valley of the Avon and blocked the way to Salisbury Plain. Arms (he tells us) must have been useless against such a stronghold, and, though the Britons were put to flight before its investment, its reduction was probably due rather to famine or to want of water than to the sword.' This siege is connected with the statement in the Anglo-Saxon Chronicle that in 552 Cynric routed the Britons at Searobyrig, and thereby a date is obtained for the fall of the fortress.³

The views of Guest and Green as to the details of the English Conquest no longer dominate students as they once did, nor is the narrative of the Chronicle now accepted as a sure guide to English history before 600; it is now recognized that, as Mr. H. M. Chadwick, for example, has rightly observed, no contemporary records of the sixth century have been preserved, and it is more than probable that none such were ever kept. But an attempt to rescue the importance of Old Sarum, in the spirit of the older writers cited above, has been made by the Anglo-Saxon scholar just named. Mr. Chadwick⁴ urges that while the date of the battle of Salisbury may be given amiss by the Chronicle, the fact of the battle may be correct; there may have been a genuine tradition of it, which the Chronicle embodies. In support of this he points out that Old Sarum was quite unimportant till near A.D. 1000, being indeed before that overshadowed by its near neighbour Wilton. It is not likely, therefore, that an invented battle would be assigned to Old Sarum. On the other hand, the name Sorbiodunum shows, he thinks, that 'fortifications of some kind existed in or before Roman times, and . . . we might naturally expect that the natives would try to make a stand there'.

I cannot help thinking that these references to Old Sarum, and indeed others which I need not detail, rest at bottom on a misconception of the character of the Roman Sorbiodunum. It was, I believe, a far smaller place than has mostly been assumed. The only evidence that is quite trustworthy in the matter, that of archaeological finds, is very significant. These finds are extraordinarily few. Of structural remains *in situ* there is—with

³ Guest, *Origines Celticae*, ii. 188; Green, *Making of England*, pp. 91, 92.

⁴ *Origin of the English Nation*, p. 23.

one doubtful exception, to be noted below—not a vestige. Nobody now believes, with the late Mr. T. Wright, that the earthworks are in any part Roman, or with the late Mr. Roach Smith, that he detected in 1876 a ‘fine fragment’ of Roman masonry standing as the Roman builder set it.⁵ The Roman remains of Sorbiodunum consist, so far as is at present on record, of a few small objects, just enough to prove that buildings stood on the site and that men dwelt in them in the Roman age.

The first writer—and almost the last—who mentions Roman finds is the author of the *Antiquitates Sarisburienses*, Edward Ledwich, in 1771.⁶ He describes and figures the following coins, all (he says) of copper; he does not give the sizes:

1. Hadrian—COS. III FELICITAS AVG.S.C. Probably Cohen 607.
2. Septimius Severus—VICTORIAE BRIT. Cohen 726, but copper instead of gold.
3. Septimius Severus—PART. MAX.P.M.TR.P.X. Cohen 372, but copper instead of silver.
4. Carausius—FIDELITAS PSR (galley with mast, 4 rowers and 4 oars). Perhaps Webb 668 (FELICITAS RSR), misread.
5. Constantius II—VICTORIA AVGVSTORVM. Cohen 237, but copper instead of gold.
6. Julian—VOTA PVBLICA (Anubis). Apparently the obverse of Cohen 116 and the reverse of 117.
7. Valentinian II—VOT V MVLT X. Cohen 68.
8. Theodosius—CONCORDIA AVGG. Cohen 6.
9. Honorius—VICTORIA AVGG MD. Cohen 44, but copper instead of gold.

The list is curious since no less than four out of the nine coins are otherwise known only in gold or silver. Had Ledwich’s specimens been gold or silver, it is most unlikely that he would not have noted it. On the other hand, it is equally unlikely that one small set of nine coins should contain four varieties in copper which are otherwise known only in the more precious metals. It is not, however, necessary to disbelieve in the list; probably Ledwich deciphered the legends and devices of the coins with the aid of some coin-manual somewhat conjecturally and without due regard to the metals mentioned in it. The only other ‘Roman’ objects recorded from Old Sarum before the present century are

⁵ Wright, *Wanderings of an Antiquary*, p. 313; Roach Smith, *Archaeol. Journ.* xxxiii. 295.

⁶ The book appeared in two editions, 1771 (anonymous) and 1777, which do not differ so far as our present purpose goes. The author, whose name is given only in the second edition, was, I believe, the Irish antiquary Edward Ledwich, though the *Dictionary of National Biography*, in its note on him, does not mention this among his works. Gough (*Brit. Topogr.* ii. 319) says that ‘it was compiled by one Mr. Lechiot, of Ireland, who was sometime curate in the neighbourhood’; this seems correct, save for a slip in copying or printing the name. Whoever he was, the author deserves to be had in remembrance for the opening sentence of his chapter on Old Sarum: ‘When certain information from History failed, then men had recourse to Etymologies.’

a spoon and a padlock, found before 1857,⁷ and perhaps themselves not Roman.

The excavation of the site undertaken in 1909 by Sir W. Hope and Colonel Hawley on behalf of the London Society of Antiquaries has added to this tiny list, but has, so far, added little. The whole fruits of the four years seem to amount to eight or nine coins, all of the later empire, and all reported as illegible except a Maximian, some potsherds, a bronze fibula, a bronze armlet, and other metal trifles, a quern from Andernach, some tiles and painted wall-plaster, and lastly a bit of wall *in situ*, which seemed (but could not be proved) to be Roman. Indeed, the excavators were so downcast at the scantiness of Roman finds that they ventured on the theory that the Roman Sorbiodunum may have been situated below Old Sarum at the village of Stratford-sub-Castle, where a Roman road crossed the Avon on its way to Dorchester, and where water and shelter would have been more plentiful than on the hill.⁸ However, the village seems to have yielded absolutely no Roman remains, and it is therefore in even worse case than Old Sarum, where the tiles and painted wall-plaster do actually prove the existence of some sort of dwellings. Besides, the surface at Old Sarum has been horribly disturbed by post-Roman work: the Castle mound and ditch alone have obliterated six or seven acres, and the rest of the site has been much altered by levelling. Unless, therefore, the original Roman buildings were exceedingly extensive and substantial and their inhabitants very numerous, one would not look for many remains here.

The truth more probably is that Old Sarum was a small place, a posting-station or a hamlet with a couple of houses. There were many tiny places in Roman Britain. Even of the inhabited spots of which we know the names, quite a large proportion must have been tiny. Even cross-roads did not necessarily involve large towns at the crossings. Seventeen miles east of Old Sarum, the Roman road from it to Silchester, part of an important route, intersects the Roman road from Winchester to Cirencester; there was no town or village at the crossing; so far as we know, there was not even a house at all. At Venonae (High Cross), nine miles north of Rugby, the Fosse Way and Watling Street cross. Despite the importance of both roads, the remains definitely recorded from the spot hardly rival those of Old Sarum. Nor was the junction of roads at Old Sarum so very serious. We sometimes read that six ways met here. The fact is that the main road from London and Silchester to Dorchester and Exeter ran through it, and was joined by a branch from Winchester, and that is all that

⁷ *Wiltshire Archaeol. Mag.* iv. 249.

⁸ For the finds see *Proceedings of the Soc. of Antiq. of Lond.* xxiii. 151, 517; xxiv. 57; xxv. 101.

is certain. It is possible that a branch ran off westwards to the lead mines on Mendip, but the traces of this road are extremely unsatisfactory anywhere within thirty miles of Salisbury, and the existence of another road, marked by Codrington and others as running north across Salisbury Plain to Marlborough, is altogether improbable.

Sorbiodunum, then, was not the kind of place to develop into a stronghold, Roman or post-Roman. It remains to ask whether the fortifications assumed by the writers cited above could be survivals from pre-Roman days. This is not impossible. The name Sorbiodunum, whatever its first half means, ends in a Celtic word which denotes either a fortification or a hill or a fortified hill, and the actual hill of Old Sarum is one which prehistoric men might well have occupied. It would not, however, follow that the camp was a very strong one. Of the eight British sites (excluding Sorbiodunum) which can be identified with Romano-British names ending in *-dunum*, only one, the Celtic capital, Camulodunum (Colchester), shows traces of strong pre-Roman defences, and one, Maridunum (now Carmarthen), holds a defensible position, and was doubtless a Celtic tribal centre before the Romans came. Most of them—Segedunum (Wallsend), Cambodunum (Slack), Margidunum (East Bridgford, Nottinghamshire), Branodunum (Brancaster), Moridunum (Seaton)—one would not naturally suspect of having ever been hill-forts, while the eighth, Uxellodunum (overhanging Maryport), has a splendid site but no trace of pre-Roman occupation. At Sorbiodunum itself there is equally little sign of pre-Roman life. A part, indeed, of its mounds and ditches have been judged older than the Roman; the outer defences have even been assigned to the bronze age. But nothing prehistoric or even pre-Roman seems to have been recorded from the spot, save one neolithic celt found some time ago and three neolithic flakes dug up in the recent excavations,⁹ whilst its vast external fosse exceeds the prehistoric scale of fortification as certainly as it exceeds the Roman.¹⁰ Whatever early earthworks were here, must have been slight enough to be obliterated by the later Norman structures. On the whole, it would seem that Sorbiodunum cannot be used as a factor in reconstructing the history either of Roman or of early post-Roman Britain.

F. HAVERFIELD.

⁹ The celt is in the Blackmore Museum; Goddard, *Wiltshire Archaeol. Magazine*, xxxviii. 325. An inscribed gold British coin (VER) is alleged to have been found here, but the provenance seems doubtful; *Journ. British Archaeol. Assoc.* xv. 297.

¹⁰ Maiden Castle, in Dorset, is perhaps the most colossal of the prehistoric fortresses of southern Britain, but its defences at their greatest do not seem to exceed 60 or 65 feet from crest of rampart to bottom of corresponding ditch. Cadbury, six miles north of Sherborne, is almost as astonishing, but it contains no fosse to rival Old Sarum.

Archbishop Stratford and the Parliamentary Crisis of 1341

EDWARD III's angry dismissal of his ministers in December 1340, followed by his heated controversy with Archbishop Stratford, and the parliamentary crisis of the spring of 1341 form a group of events that have been dealt with so frequently and from so many points of view that some apology for bringing them forward again would seem to be required.¹

The concessions which the king had been forced to make in 1340 had thrown him into almost complete dependence upon parliament for extraordinary supplies. The consciousness of this restriction may well have stimulated him in the pursuit of the policy which had become almost traditional with the Crown, of carrying on his government by means of persons wholly dependent upon himself and therefore amenable to his will. Opposition to this policy was perhaps the most consistent principle of the Lancastrian party, which insisted on the king's duty to govern by the help of his natural counsellors, the magnates.² It should be noted that if this principle had a constitutional future, it had also a feudal past. The fourteenth-century middle term was perhaps not far off oligarchy. Stratford, who with his brother had been responsible for the administration since the fall of Mortimer,³ was identified with this party, partly, it may be conjectured, owing to his legal training and partly to his position, to use his own words, as *par terrae maior*.⁴

¹ The subject has been critically examined by Mr. Pike in his *Constitutional History of the House of Lords*, 1894, pp. 186-98, where references to most of the older literature on the subject will be found. To these should perhaps be added Barnes, *Edward III*, 1688, bk. i, ch. xviii, pp. 211-35, for the sake of the documents which are given in full, although unfortunately in English. Mr. Pike's conclusions are modified and criticized by the late Mr. L. Vernon Harcourt in *His Grace the Steward and the Trial of Peers*, 1907, pp. 338-45. Stubbs's account is in the *Constitutional History*, 3rd ed., vol. ii, pp. 402-11. The general political histories are not very helpful; but reference may be made to Hook, *Archbishops of Canterbury*, iv (1865), pp. 2-79 (Longmans' *Edward III* merely reproduces this); *Dict. of Nat. Biogr.* iv. 30; J. Mackinnon, *Edward III*, 1900, pp. 166-94; and Ramsay, *Genesis of Lancaster*, 1913, i. 285-92.

² See this matter well developed in Baldwin's *King's Council*, ch. iv, particularly pp. 74-83, 93-100.

³ Ramsay, i. 286.

⁴ Birchington, in *Anglia Sacra*, i. 28.

Meanwhile the king, who was besieging Tournay, was hard pressed by his allies, who wished to be paid and were also desirous of raising the siege. It is not clear that the king would have retained their support if money had been forthcoming, although that is what he gave out. But it is fairly clear that the revenue of England did not suffice for a war carried on by hired allies. The treaty of Espléchin, concluded on 25 September, brought the campaign to an inglorious close and left the king in an embarrassing position. His crown was in pawn and he had no money to redeem it; he had apparently little chance of obtaining further supplies from parliament, or of getting the benefit of those which had already been granted. Who was responsible for this situation? ⁵ As a matter of fact, it was probably due to economic inexperience and the king's unwisdom in organizing a subsidized coalition. We shall argue presently that as a matter of theory the question of who ought to assume the responsibility was still an open one. Meanwhile an excellent opportunity was given for attacking those who were in charge of the government at home.

We come here upon very evident traces of an intrigue. The chroniclers bear witness that it was openly reported in England that the king's failure was due to the dishonesty and neglect of his ministers. Knighton writes that the king made the truce of Espléchin because

non esset ei ministratum de pecunia de communibus regni Angliae illi hactenus concessa pro defectu ministrorum suorum in sua absentia.⁶

And Baker, writing of the ministers deposed in November, says :

Nec eos absolvit quousque sua melancolia concepta de pecunie detencione, quam ad obsidionem Torneacensem debuerant misisse, fuerat sedata.⁷

Now we have a circumstantial story in the French Chronicle of London which receives some corroboration from other sources. The chronicler evidently had the *libellus famosus* before him, and he describes how, during the summer of 1340, the king was in constant and fruitless correspondence with the *faus gardeins* in England who withheld from him the supplies which the commons had granted. One of these *faus treitres* 'q'estoit jurée au roy' was better disposed towards him than any of the others. This man was well informed about all their secret business, which,

⁵ The king was already uneasy on this point; in 1339 he had tried to make his council responsible for supplies granted by parliament. See the interesting correspondence now first printed by Baldwin, *The King's Council*, pp. 476-9.

⁶ Knighton, ii. 19, ed. Lumby.

⁷ Baker, *Chronicon*, ed. Thompson, p. 72.

together with the policy they had concerted, he set down in writing and transmitted to the king, to whom he suggested that further correspondence was idle. The only course that would serve him would be to come secretly to London, send for the mayor and serjeant at arms of the city, and try by their means to arrest and imprison certain persons, after which he would find treasure enough.⁸

According to this statement the plan was suggested to the king by a sworn member of the council. Now the composition of the council, as between the great men, the king's 'natural counsellors', and the knights and clerks through whom, since Edward I's time at least, he had habitually done his work, was one of the standing political questions of the fourteenth century.⁹ The Lancastrian party, of which Stratford was one of the leaders, stood out for the council of magnates. Then another contemporary chronicler informs us that the king came back with 'his secretaries', certain of whom, envying the archbishop, excited the king's wrath against him, and Stratford himself plainly denounced an intrigue against him in the council.¹⁰ Further, we know who these secretaries that accompanied the king were, and two of them at least appear as leaders at each stage of the attack upon the archbishop.¹¹ From the moment when the first charge was made against Stratford in the Guildhall down to the attempt to influence parliament by a demonstration of the Londoners, William Killesby and John Darcy are associated with every important step. Their official character and the party and policy they stood for are made apparent enough in the attack which is alleged to have been delivered on them in parliament by Warrenne, which will have to be considered later.¹² Stratford's biographer states this point in terms; he says that the *curiales* had conspired against the archbishop in Flanders, and adds: 'Verum non solum milites sed et clerici hoc fecerunt: et . . . duxerunt regem ad Angliam . . . et intrare fecerunt turrin Londoniensem.'¹³ Behind the personal struggles and exchange of recriminations which are to follow, we have then the opposition of definite political principles and ideals.

On 30 November the king appeared at the Tower accompanied by Northampton, the constable, Killesby, keeper of the privy seal, Sir John Darcy, steward of the household, Sir Walter Manney, Giles de Beauchamp, and a number of other clerks and knights.¹⁴ He sent for Andrew Aubrey, mayor of London, and caused the

⁸ *French Chronicle of London*, Camden Soc., 1844, pp. 82, 83.

⁹ See on all this Baldwin, *The King's Council*.

¹⁰ Avesbury, p. 323, ed. Thompson; Birchington, in *Angl. Sacr.*, i. 36.

¹¹ *Cal. of Close Rolls*, 14 Edw. III, pt. ii, p. 653; *Foedera*, II. ii. 1141.

¹² *French Chronicle of London*, p. 90.

¹³ Birchington, i. 20.

¹⁴ *Foedera*, II. ii. 1141

arrest and imprisonment of the chief justice of the common pleas, several of the judges—two were actually taken later, while holding the assize at Cambridge¹⁵—the chief clerks in chancery and the exchequer, and certain London merchants.¹⁶ Later in the day the chancellor (the bishop of Chichester, Stratford's brother) and the treasurer were dismissed. It is important to notice the element of anti-clericalism in this; Hemingburgh writes, 'Non clericos immo seculares ad placitum suum substituit'.¹⁷ The London chronicler gives the explanation in words that furnish the key to one phase at least of the whole dispute that followed. He says that after the dismissal, when two laymen, as we shall see, had been appointed to the vacant offices of chancellor and treasurer, the king swore that he would never again appoint clerics to any great office, but 'only such persons as, if convicted of treason, he could cause to be drawn, hanged, and beheaded'.¹⁸ Thus early in the dispute we may see that questions of *privilegium fori* and ministerial responsibility were raised.

The next step was the public accusation of the archbishop, and it is significant that this was accomplished by Killesby in the Guildhall as a preliminary to the more formal charges by royal letter.¹⁹ Stratford, meanwhile, had withdrawn to Canterbury. There he was found on 2 December by Nicholas de Cantilupe, a knight sent on the king's behalf, who reminded the archbishop that he was bound, as surety for the king's debts, to certain merchants of Louvain, and cited him to attend the king in London on the following Sunday, ready to cross to Flanders. Stratford asked for time, agreeing to send his answer later.²⁰ It can scarcely be supposed that the court party really hoped to get rid of the archbishop in this way, but at this stage their case was so weak that anything which would have the appearance of putting their opponents in the wrong was of value to them. Two deaths which followed closely on each other at this time, those of Thomas le Scrope and Burghersh, bishop of Lincoln, deprived the royalist party of experienced leaders and threw the king more and more into the hands of the younger men, among whom we should probably reckon Killesby and Darcy.²¹ The archbishop's reply, which was sent, we learn, after a few days, does not appear to have been preserved. His biographer describes it as 'litteras responsales et exhortatorias'.²²

Meanwhile the king was forming his new ministry. The

¹⁵ *French Chronicle of London*, p. 85.

¹⁶ *Ibid.* pp. 84-6.

¹⁷ Hemingburgh, ii. 363.

¹⁸ *French Chronicle*, p. 86.

¹⁹ Murimuth, pp. 117-18, ed. Thompson.

²⁰ Birchington, in *Angl. Sacr.* i. 21; *Foedera*, ii. ii. 1152-3.

²¹ Birchington, *loc. cit.*; *Dict. of Nat. Biogr.* vii. 337; Murimuth, p. 118, 'et consilio iuvenum utebatur, spreto consilio seniorum'.

²² Birchington, *loc. cit.*

words used by the chronicler make it clear from what class and party they were drawn :

Fecit quendam militem cancellarium Angliae, videlicet dominum Robertum le Bourser, et alium thesaurarium, scilicet primo dominum Robertum de Sadyngtone et postea dominum Robertum de Pervenke.²³

Bourchier had been a judge and a member of parliament and had seen service in Flanders.²⁴ Sadington was chief baron, and had been at the treasury as lately as June 1340.²⁵ Parning was chief justice of the king's bench, but this office passes to William Scot early in January 1341.²⁶ Though the appointments were not made formally until 14 and 15 December, these men were described by their official titles in an important commission on 10 December. This, as it marks the next step in the story we are following, must now occupy our attention. It is a commission of oyer and terminer addressed to the chancellor, the keeper of the privy seal, the treasurer, and William Scot—the new ministry, in short—ordering them to inquire into the conduct of ministers and justices towards the people and the king since the beginning of the reign.²⁷ On the same day similar commissions were issued to the same men to inquire into 'alleged oppression and extortions by justices and any other ministers of the king'. Like commissions were issued for all the counties of England.²⁸ It looks as though two sorts of inquiry were here contemplated. The first would be largely political in character, concerning itself ostensibly with the conduct of all those who had held high offices under the king since his accession; but as the king afterwards tried to make it appear that Stratford had been responsible for the administration since Edward II's deposition, the attack was really directed against him and his friends. The second seems to have included the whole administrative system of the kingdom. It may be that a thorough reform in good faith was contemplated. Murimuth says that the king removed all sheriffs and other administrative officers,²⁹ and for this we have the official order dated 15 January 1341 and directed to all the counties of England.³⁰ We know also that in the next spring a general and searching investigation

²³ Murimuth, *loc. cit.*

²⁴ *Dict. of Nat. Biogr.* vi. 14; cf. Foss, *Judges*, iii. 400 ff.

²⁵ *Dict. of Nat. Biogr.* i. 101; Foss, iii. 485.

²⁶ *Dict. of Nat. Biogr.* xliii. 352; Foss, iii. 492. It appears that this name is properly Parvyng; it is so given by the editors of the Calendars and the London Letter Books. But I have thought it convenient to preserve the traditional spelling.

²⁷ *Cal. of Pat. Rolls*, 14 Edw. III, pt. iii, p. 106. This was for Surrey, Middlesex, and London; similar commissions were issued for seven other counties to three groups of four persons each.

²⁸ *Cal. of Pat. Rolls*, 14 Edw. III, pt. iii, pp. 111–13.

²⁹ Murimuth, p. 118.

³⁰ *Cal. of Close Rolls*, 14 Edw. III, pt. ii, p. 607, cf. p. 663.

into the civil service of Ireland was ordered.³¹ But this was not the only purpose of the inquiry.

The first of these two measures raised a grave constitutional question, because it assumed that ministers were responsible to the king alone and might be dismissed, their conduct in office investigated, and their persons punished by him. Other views were strongly held in the Lancastrian party, and we shall see how the matter was fought out. The fact that Stratford and his brother were bishops, and would be prepared to describe themselves as peers, raised questions of privilege.³² The fact that on 13 January a new commission was specially appointed to try the judges and merchants who had been arrested on 1 December,³³ may perhaps be taken as an admission on the part of the government that the case of the ministers called for separate treatment. With regard to the several measures, it appears that the commissions under which the investigation was carried out were what are called commissions of trailbaston. Now it has been said that these commissions were unlawful:³⁴ they were certainly highly unpopular. It was one of the points raised in the Easter parliament that the king should revoke the ordinance of Northampton, which was perhaps confused with the statute.³⁵ Two observations are therefore to be made. It is plain that the first commission for the investigation of the conduct of the ministers might well be called into question as *ultra vires*, or at least as raising a constitutional point that required to be debated and defined. But the commissions of trailbaston to investigate the administration were clearly authorized by statute, and the parliament must have thought so or they would not have asked for the withdrawal of that authority. It is possible, however, that they may have thought that the words 'times past' in the statute gave some ground for opposing the inquiry.

There may indeed have been another ground for complaint. There is evidence suggesting that these commissions were applied harshly and unjustly for the purpose of raising money by way of fines. The London chronicler, under the year 1301, has these significant words: 'In that year . . . to retrieve the great expenses of the past twenty years, he [Edward I] caused justice to be done on malefactors, and it was called trailbaston, and in that way

³¹ *Cal. of Pat. Rolls*, 15 Edw. III, pt. i, p. 207.

³² The king had been dissuaded from arresting the bishops of Chichester and Coventry (Lichfield) on 1 December on this ground. But a number of the chancery and exchequer clerks were under the protection of the *privilegium fori*, so that the question was already raised.

³³ *Cal. of Pat. Rolls*, 14 Edw. III, pt. iii, pp. 110-11.

³⁴ Ramsay, i. 286-7; Vernon Harcourt, *op. cit.*, p. 338; Pike, *Year Books*, 14-15 Edw. III, introd. pp. xxxviii-xxxix.

³⁵ *Rot. Parl.* ii. 128, no. 13; cf. Pike, *loc. cit.*, pp. lvii-lix.

the king gained great treasure.'³⁶ With regard to the present commission, the same writer says: 'In that time trailbaston lay throughout England . . . and great hardship was done to the people.'³⁷ Murimuth agrees, but is more explicit; the justices, he says,

tam rigide et voluntarie processerunt quod nullus impunitus evasit, sive bene gesserit regis negotia sive male, ita quod sine delectu omnes, etiam non indictati nec accusati, excessive se redemerunt, qui voluerunt carcerem evitare.³⁸

Official records point unmistakably in the same direction. Late in January the commissioners were ordered to furnish the sheriff with lists of the fines and amercements made before them that he might levy and transmit them to the exchequer.³⁹ Soon after they were directed to take the fines of all those who wished to make them for such trespasses (i. e. those mentioned in the commission) up to 2,000 marks, and cause them to be levied agreeably to the king's earlier directions.⁴⁰ Later in the year issues of this sort from various counties were assigned for such purposes as the victualling of ships and security for money advanced.⁴¹ The commissions of trailbaston then were opposed rather for the fact that they were used as instruments of extortion than because there was anything unlawful in their nature. Moreover an inquiry so searching and directed chiefly against those who held office could not fail—particularly since so little distinction was made between guilt and innocence—to involve some of the clergy and nobility, some, that is, who enjoyed or claimed to enjoy special immunity from the ordinary processes of law. As we have seen in the case of the clergy, the king had already anticipated this difficulty and infringed the principle in the matter of the arrest of the chancery and exchequer clerks.

It seems to have been intended to review the administration of London like that of the rest of the country, and possibly (but there is no direct evidence for this) a particularly rich harvest of fines was anticipated from that quarter. At all events, as early as 1 December people were asked to make their grievances known, officers and debtors were ordered to have their accounts ready against the New Year, and the sheriffs bidden to render every assistance to the new government.⁴² On 21 December, in

³⁶ *French Chron. of London*, pp. 28-9.

³⁷ *Ibid.* p. 89.

³⁸ *Cal. of Close Rolls*, 15 Edw. III, pt. i, p. 58.

⁴¹ *Ibid.* pp. 58, 59; *Cal. of Pat. Rolls*, 15 Edw. III, pt. i, p. 189.

⁴² *Calendar of Letter Book F*, ed. Sharpe, 1904, pp. 58 ff. London was included in the trailbaston commission of 10 December, and the chancellor, treasurer, keeper of the privy seal, chief baron of the exchequer, and W. Scot assigned for 'city and

³⁹ Murimuth, p. 118.

⁴⁰ *Ibid.*

compliance with an order from ministers issued five days earlier, the sheriffs made proclamation summoning all who had grievances to appear at the Guildhall before the justices assigned. Twenty-four of the better men from each ward had already been cited to appear.⁴³ But the recorder, on behalf of the mayor, aldermen, and commonalty, challenged the commission of the justices as contrary to the city franchises, under which no justices were to sit within the liberty except at the Tower during an eyre. The case was argued and the matter postponed until 16 January, when, having consulted the king, the justices abandoned their commission, and the next day the king ordered writs to the sheriff for holding a general eyre at the Tower.⁴⁴ The king meanwhile had made his intention perfectly clear by holding a 'private council' in London, at which it was determined to examine the private accounts of all the judges and administrative officers, who were therefore directed to produce their rolls at Westminster at an appointed time.⁴⁵ On 13 January a commission was issued to Parning, Sadington, and Scot, directing them to deal with (arraign, hear, and determine) the cases of the judges and the clerks arrested on the king's return, who, 'by the common report and clamour of the people and divers petitions shown before him (i. e. the king) and the council', appear to have borne themselves 'in divers manners unfaithfully in their offices'.⁴⁶

Meanwhile arrangements for the eyre were proceeding. If the articles, as given in the London chronicle, are examined,⁴⁷ it will be found difficult to distinguish between the new commission, which provides for a searching inquiry into the conduct of a long list of named officials, and that of trailbaston, which had been withdrawn. No doubt the earlier commission was withdrawn because the statute of Northampton which authorized it contained a saving clause for the liberties of London, and the newer one issued because the king had a grudge against the city in the matter of the loan which they had practically refused him the previous spring.⁴⁸ The articles, we are told, were drawn up by Killesby and other members of the council, and the proclamation which was made on 20 January directed that every

suburb of London and counties of Surrey and Middlesex' (*Cal. of Pat. Rolls*, 14 Edw. III, pt. iii, p. 111).

⁴³ *Calendar of Letter Book F*, pp. 59-60.

⁴⁴ *Ibid.*, pp. 59-60; Murimuth, pp. 118-19; Baker, p. 73; *Cal. of Pat. Rolls*, 14 Edw. III, pt. iii, p. 79.

⁴⁵ *French Chron. of London*, p. 87. This is put on 3 January, but the dates afterward, as compared with the Letter Book (proclamation of the eyre) and Patent Rolls (trial of the judges), seem to be three days out.

⁴⁶ *Cal. of Pat. Rolls*, 14 Edw. III, pt. iii, pp. 110-11.

⁴⁷ *French Chron.*, p. 88.

⁴⁸ Pike, *Year Books*, 14-15 Edw. III, introd. pp. xlii ff.; Riley, *Memorials*, p. 209.

one, high or low, who owed fealty or service to the king, should attend on the justices at the Tower on the first and second Mondays in Lent.⁴⁹ The eyre was actually held on the second of these dates (5 March), and the judges seem to have sat for twelve days.⁵⁰ The session could not have come to much, and there was certainly violence and even rioting on the part of the Londoners, who seem to have understood (and quite rightly) that their liberties were to be questioned and probably even withdrawn.⁵¹ At any rate, the eyre was adjourned under pretext of the summons of parliament.⁵²

The policy of the new government is now clearly before us. In the execution of their scheme they had been obliged very early to make a distinction between the great officers of state and the rest of the administration, and the archbishop's case, involving this principle as well as questions of privilege and peerage, was, as we shall see, dealt with separately. For the rest the policy was self-destructive, because the increase of revenue could only be obtained by administering the reforms harshly and unjustly. We must now return to the case of the archbishop, whom we left at Canterbury, where, early in December, he had issued his hortatory reply to the king's summons in the matter of the Louvain merchants. The archbishop was now ✓ on his defence, and as the government proceeded energetically with the commission of inquiry, he no doubt saw that he would be obliged to take a line. This line was essentially an appeal ✓ to public opinion, but in form a repudiation of the king's charges, and a profession of readiness to answer them in particular in parliament. As soon as treason had been suggested (10 February), ✓ he stood on his privilege and repudiated the jurisdiction of any secular judge. The king appealed no less anxiously than the archbishop to public opinion, but he also attempted to vex and embarrass his opponent. This struggle which we now have to examine forms the second act of the drama, and extends from the first summons on 2 December 1340 until the archbishop's arrival in London to attend parliament on 23 April 1341.

On the feast day of St. Thomas the Martyr, 29 December, the archbishop preached at Canterbury, following his sermon with a kind of political speech in English, dealing mainly with the *privilegium fori* and the alleged infringements of the Great Charter by the king's special justices. This was followed again by a solemn general excommunication against persons offending

⁴⁹ *Calendar of Letter Book F*, p. 60; *French Chron. of London*, p. 88.

⁵⁰ *Cal. of Letter Book F*, p. 61; cf. Pike, *Year-Books*, 14-15 Edw. III, introd. pp. xlvii-xlviii.

⁵¹ Murimuth, pp. 118-19.

⁵² Early in the summer (3 June) the Londoners made their peace with the king: *Cal. of Pat. Rolls*, 15 Edw. III, pt. ii, pp. 223-4, 229; *Cal. of Letter Book F*, p. 61; Pike, *loc. cit.*

in this way.⁵³ A general excommunication of this sort was no doubt part of the primate's right; but if it were to involve any of the king's officers in the discharge of their duty, it would equally no doubt be an infringement of the prerogative. The appeal to §§ 39-40 of the Charter raised a delicate point, and we may well suppose that it was this that moved the king to deal with the arrested judges and clerks by special commission, as we have seen he did. His immediate answer, however, was to send Lord Stafford to Canterbury on 4 January to ask for the articles of the excommunication and summon Stratford to the king.⁵⁴ But the archbishop refused to make the excommunication specific or comply with the summons. He had meanwhile on 1 January addressed to the king a state-paper in the form of a vigorous letter in which he develops his views of the constitutional theory governing the situation.⁵⁵ These we shall have to consider in their proper place. He further justified, upon the theory stated, his own share in the transactions of the summer and autumn and declared himself in all things ready to stand to the judgement of his peers, saving his estate. Meanwhile he protested that nothing should be believed against him before judgement had been given.

A new point was now raised which the archbishop turned to good account. The ninth granted in the previous March had, so far as the clergy represented in parliament were concerned, been understood to replace the clerical tenth granted in the preceding year. Nevertheless the collectors were taking both.⁵⁶ The archbishop regarded this as a breach of ecclesiastical liberties and forbade his suffragans to allow the collection of the ninth from those who were bound to pay the tenth.⁵⁷ This was some time before 26 January, when the king followed up his first summons by the issue of a safe-conduct and a formal summons delivered by Nicholas de Cantilupe.⁵⁸ On the same day Stratford was arrested, the sheriff of Kent was ordered to produce him before the king and council in London to answer for contempt, and this, as he said, prevented his making use of the

⁵³ Birchington, in *Angl. Sacr.*, i. 21-2. The extracts from a sermon printed by Dr. Macray, *ante*, viii. 85 ff., would suit well the first or formal part of Stratford's discourse. He treats of Becket's quarrel with Henry II over the Constitutions of Clarendon and justifies Becket on grounds, as it would seem, of natural law: in the course he took, either his reason justified him or it did not; if it did not, he sinned, and was neither a martyr nor a saint, and whoever says that blasphemous. We should value the English part of the sermon more.

⁵⁴ Birchington, i. 22.

⁵⁵ This important document is given in Avesbury, pp. 324 ff.; Hemingburgh, ii. 363 ff.; *Foedera*, ii. ii. 1143.

⁵⁶ See Ramsay, *Genesis of Lancaster*, i. 272; ii. 86.

⁵⁷ Birchington, *loc. cit.*

⁵⁸ *Foedera*, ii. ii. 1146; *Cal. of Pat. Rolls*, 14 Edw. III, pt. iii, p. 124. Stratford's letter to the king is in Birchington, i. 27-36; on the present point see p. 32.

safe-conduct. He seems to have let it be known in Canterbury that he did not consider it safe to go to the king except in full parliament as certain of the chief councillors had threatened him with death.⁵⁹

On 28 January Stratford addressed letters to the chancellor and the king and council complaining of his arrest, by which the special privileges of the church and the rights of all secured by the great charter and the laws and customs of the land are infringed. Unless remedy is provided he will proceed to act under the bull of Innocent IV, which denounces excommunication for these offences.⁶⁰ On 30 January he took a still stronger measure for embarrassing the government by forbidding the collection of all clerical aids throughout his province, unless the abuse in connexion with the ninth, to which we have already referred, were checked. The complaint is developed in a letter to the bishop of London, Stratford's nephew; and a form of excommunication against those who violate the privileges of the church or disturb the peace of the kingdom by their counsel to the king is addressed to all the suffragans of the province, with a formal covering letter.⁶¹ The archbishop is careful to say that the abuse is unknown to the king; his councillors are of course responsible. The opinion of the country, we are plainly told, was at this time hostile to the archbishop,⁶² whose claims of ecclesiastical privilege perhaps excited that anti-clerical feeling which was such a marked note of fourteenth-century England.

Down to this time the government had contented itself with action. It now made the mistake of resorting to rhetoric, and contrived to put its case in an unfortunate way. But first the archbishop and his suffragans were formally prohibited from publishing ecclesiastical censures against those appointed to levy the ninth.⁶³ This was on 10 February, and on the same day the *libellus famosus*, or infamous pamphlet as it was called, was issued.⁶⁴ This intemperate document, which takes the form of a letter addressed to the primate, is really an appeal to the country. The new government—it was well understood that the king did not write the letter himself—under cover of a review of the campaign during the past year, set forth its theory of

⁵⁹ This is reported by Dene, a contemporary Rochester writer, and distinctly asserted by Stratford in his reasoned reply to the *libellus famosus*. See the passages in *Anglia Sacra*, i. 29, 374. He was no doubt serving political rather than precautionary ends in spreading this report.

⁶⁰ Hemingburgh, ii. 368–70.

⁶¹ Hemingburgh, ii. 371–8, gives all these documents.

⁶² *Ibid.* p. 371, 'De quo [i. e. Stratford] non pauca sinistra plebs indocta retulit, simplex et rudis, incertis ac rumoribus intenta, vanisque favorabiliter aurem inclinans.'

⁶³ *Cal. of Close Rolls*, 15 Edw. III, pt. i, p. 107; *Foedera*, ii. ii. 1147.

⁶⁴ The document has frequently been printed: see *Foedera*, ii. ii. 1147–8 (from the Close Roll), and *Anglia Sacra*, i. 23–27.

ministerial responsibility, upon which the archbishop is held guilty of criminal negligence. The same point was developed by a further review of the events in England since the king's return. There was a good deal of ill-tempered personal abuse. Stratford was described as 'tumidus in prosperis, timidus in adversis', and again, according to the proverb, 'mus in pera, serpens in gremio, ignis in sinu'; but the finest flight is a reference to the primate's 'fucatum zelum vulpinae calliditatis fuco perizomate palliatum'. Towards the end of the document, the ministers permitted themselves to make a formal charge of treason. The archbishop, it was alleged, had taken bribes, had dishonestly admitted to office improper persons, and had done other things 'in status nostri detrimentum et dignitatis regiae laesionem'. The most elaborate measures were taken for giving publicity to this attack. Copies of the document were transmitted to the bishops of the province and to St. Augustine's, Canterbury, with the strictest injunctions for publication.⁶⁵ This was 'tuning the pulpits' on a large scale, and from the promptness with which the answering note sounded from Canterbury itself we may judge of what went on in other dioceses. The next week (18 February) the king's attack on the archbishop was made public in Canterbury under conditions calculated to arouse the liveliest and most widespread attention. Killesby came to Canterbury and, having failed to force his way into the archbishop's presence, read out the *libellus famosus* to a crowd at the market cross. Subsequently the archbishop in the course of a sermon recited the king's charges to the people and denied them point by point.⁶⁶

The king, on the other hand, did not neglect any means of publicity. He announced through the sheriff of Kent that he proposed to observe the statutes and not to take the ninth irregularly.⁶⁷ On the same day, 6 March, he addressed to the bishop of Exeter a reasoned remonstrance against the bishop's action in publishing ecclesiastical censures against the special justices assigned under the new commissions in Devon. This document states the government's case very vigorously: after reviewing the campaign and its failure owing to the alleged default of the ministers, the king declares that his friends advised him that unless he dealt drastically with the ministers there was danger of rebellion.⁶⁸ The bishop is directed to see to it that

⁶⁵ *Foedera*, II. ii. 1148.

⁶⁶ Spirited and detailed accounts of these proceedings are furnished by Birchington, i. 21-3, and by the prior of Canterbury in a letter to the earl of Huntingdon, in *Litterae Cantuarienses*, Rolls Series, II, no. 696, pp. 226-30.

⁶⁷ *Foedera*, II. ii. 1152.

⁶⁸ I do not think that the words bear any milder interpretation, 'se prorsus ab obsequiis nostris retrahere proponbant'. This may be a clever attempt to make capital out of the allusions to Rehoboam and Edward II in Stratford's letter of

the investigation is not further hindered nor the king's people excited against him.⁶⁹ Finally, a week later (14 March) the king brought his case before the pope. The letter is a modified version of the *libellus famosus*, and, as in that document, Stratford is accused of discrediting the king and his government and exciting the people to sedition. His continuance in the kingdom would constitute a serious danger which the pope is entreated to avert.⁷⁰

Stratford now issued a long and reasoned reply to the *libellus famosus*, which is quite the ablest document this whole controversy produced.⁷¹ He begins by stating a theory of the relations of the ecclesiastical to the civil power which reckons the clergy as 'fathers and masters' of kings, princes, and all the faithful. He then proceeds to work out a constitutional theory upon which ministers are only responsible to the king collectively and when their policy framed in council and authorized by parliament has been carefully adhered to, which, as he says, has not been done in the present case. He then deals with the king's charges point by point, answering them all, as it would seem, very satisfactorily. He expresses a desire publicly to clear himself of these charges before the king, prelates, magnates, and peers of the realm, although this is at present impossible owing to hostile dispositions of the king's chief councillors. He points out further that the king has charged him with treason 'quo casu rex nullus nec dominus temporalis iudex noster competens esse potest', and intimates that he will wholly repudiate the jurisdiction of any secular judge. Finally, he says that if it were permitted to disclose the secrets of the king's council, he could readily fasten the responsibility for all that has gone wrong in the proper quarter.

The king had shot his bolt in the *libellus famosus* and Stratford's reply was difficult to answer. Edward's 'excusatory letters'⁷² form a very feeble rejoinder, but he still sought publicity. This was on 31 March and the inevitable parliament for which the archbishop had been asking was to meet in little more than a fortnight.⁷³

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1 January. Perhaps this or something like it was really believed; certainly it was said in Flanders that the government intended to depose the king (J. de Klerk, cited in Pauli, *Geschichte Englands*, iv. 377, n. 2).

⁶⁹ *Foedera*, II. ii. 1151-2.

⁷⁰ *Ibid.* 1152-3.

⁷¹ The letter is in Birchington, i. 27-36. Only a brief summary is given here, as its contents will have to come before us in some detail later.

⁷² *Foedera*, II. ii. 1154-5; *Angl. Sacr.* i. 36-8.

⁷³ The writs were issued on 3 March, *Lords' Report*, i, app. (vol. iv), pp. 529 ff., and the parliament met on 17 April, *Rot. Parl.* ii. 126.

(To be continued.)

The Council of the Marches in the Seventeenth Century

OF late years some additional material has become available for the study of the Council of the Marches in the seventeenth century. The British Museum has acquired from Mr. W. D. Dovaston of West Felton, co. Salop, a Register of the Council of Wales and the Marches, 1586-1644 (Egerton MS. 2882), which was once the property of Mr. Moor (More), of Linley House, Shropshire, a descendant of Colonel Samuel More, a leading Shropshire Parliamentarian. Further, the National Library of Wales at Aberystwyth has acquired a folio volume entitled Welsh Patents, which was formerly in the possession of Austin Cooper, an Irish antiquary, and was later included in the Phillipps collection (no. 6462). Reference was made to both these volumes in the evidence recently given before the Royal Commission on Public Records; ¹ it was not, however, stated that a very full summary of the register now in the British Museum was published in 1882 in the *Thirteenth Report of the Historical Manuscripts Commission*, app. iv, pp. 247-82. Moreover, the letters preserved at the end of the register (fo. 282-3) show that it was used by Clive for his 'Documents connected with the History of Ludlow'. A third notable manuscript of which, so far as I am aware, no use has hitherto been made, is now in the Cardiff Public Library (MS. 256 = Phillipps 17118). It contains summaries of various suits brought before the Court of the Council of the Marches in the reign of James I. By the aid of these three documents it is now possible to trace with some fullness the working of the court in the seventeenth century.

When so few contemporary records of the Council have survived, it is regrettable to find that a large number of entries are common both to the British Museum register and the Aberystwyth volume of Welsh Patents. The numbering of the various entries corresponds, but the British Museum register contains several that are not in the other volume; these, however, are either unimportant or (as in the case of the instructions to the various lords president) occur elsewhere. From the two volumes

¹ *Report*, iii, 7b, 126b.

a good deal of information can be gathered as to the amount of business done by the court in the early seventeenth century. Two of the councillors certified (in 1617 probably) that during the Trinity Term

wee heard there [*sc.* at Ludlow] above 260 Causes sett down for Hearing concerning poor men at a small Charge unto them and near their own Country, besides as many Rules and Motions for many misdemeanors and offences concerning his Majesty.

Little information is given as to the details of the cases before the court, but there are several references to the miscellaneous work it was expected to perform. For example, in 1620 the councillors were directed by the lord president, the earl of Northampton, to call in any current copies of a letter which 'Mr. Alured hath very unadvisedly written against the match with Spain'. About the same time the councillors were to see that

the Lottery shall be presently removed from Bewdley and that it continue no longer within the Marches of Wales to the Impoverishing of his [*sc.* the king's] subjects there, unless it bee in some great and wealthy townes and Cittyes, with speciall care of the Governors that the poor be not suffered to venture, or els to be absolutely dismist and forbidden, according as you in your Discretion and wisdome shall think fitt.

The lord president and Council were directed by the privy council to aid Hugh Middleton, the farmer of the royal mines in Cardigan, to suppress disorders in alehouses, and to compose differences that might arise in the course of his work. Again, they were to do their best to arrest Sir Giles Montpesson (Mompesson) in 1621, to secure the keeping of the peace at an election at Carnarvon, and to prevent the spoiling of his majesty's woods at Bewdley. In 1622 they wrote to the bailiffs of Denbigh respecting the election of an alderman, and in 1623 the lord president was responsible for the delivery of writs of summons for parliament, directed to all the shires of Wales.

Very noteworthy is the anxiety of the lord president and Council to maintain the authority of the Council, imperilled by the desire of the four border counties to escape from its jurisdiction. The register contains a few direct references to the Fareley case, which raised the question of the extent of the Council's jurisdiction and went on down to 1608.² The lord president, Lord Eure, and the other members of the Council did their best to uphold their authority; so did their subordinates, such as Robert Medcalf, Lord Eure's servant, who was made attorney of the court in 1612 for his zeal 'concerning his

² Egerton MS. 2882, fo. 33, no. 33; fo. 55, no. 42; fo. 57, no. 44.

Lordship's particular business, as also in following and soliciting divers suits and matters of Oppositions and supposed Grievances against the Jurisdiction and Authority of this Hon^{ble} Court'. A few years later, a man 'so strongly allyed in his country' as Sir John Wynne of Gwydir submitted himself at the council table in the presence of the lord president and five councillors. At times the anxiety of the Council to maintain its authority seems somewhat ridiculous, as in the case of Mr. Edward Lingen, who was long imprisoned in the porter's lodge at Ludlow for breach of several orders of the Council. At last he was found to be a lunatic, and the custody of his body, lands, and goods was committed by order of the court of wards and liveries to Sir John Scudamore. Lingen was to be conveyed to one of his own houses 'to be guided and attended for the speedy Recovery of his health, whereof there is great hope as is alleged'. Should this hope be realized, he was to be remitted to the lord president and Council 'to answer his contempts', and probably to have another experience of the porter's lodge.

In the seventeenth century, the Council of the Marches was not only a bugbear to the inhabitants of the four border counties; it could be used by a litigant as a means of embarrassing an adversary. We find that the opponents of Walter Vaughan (who was concerned in two cases that were to be heard in the Star Chamber) preferred several informations against him before the Council of the Marches, and planned that the Council's pursuivant should lie in wait for him at Gloucester. The pursuivant was just a night too late, and the plot failed; Vaughan, however, petitioned the lord keeper that a writ of privilege or some protection for the next term might be granted him. The lord keeper accordingly wrote to Sir John Bridgman, chief justice of Chester, directing him to see that Vaughan was not disturbed in the prosecution of his suit. The registers contain some references to the issue of prohibitions from the common law courts at Westminster. The king, in a letter to the earl of Bridgewater, who was lord president from 1631 to 1642, speaks of such prohibitions as defeating the end for which the president and Council in the principality of Wales and the Marches thereof were established, viz. 'for the more speedy administration of Justice and ease of our good people in those remote parts without drawing them to attendance here at Westminster to their exceeding great charge and trouble'. The lord president gave the very sensible advice to the Council, to be careful in the drawing up of bills, so that occasion might not be given for the issue of such prohibitions.

A point much insisted upon in the numerous instructions and orders to the Council was the careful keeping of the records. During the seventeenth century these exhortations seem to have

borne fruit, for the registers often contain notes such as the following: 'The Originall in the Box with the King's Letters.' 'Originall in the white Box with the King's Letters.' Sundry orders were issued respecting the writing of bills and answers by attorneys and clerks 'without any Rasing, interlining, or blotting'. Original books or depositions were not to be delivered out of the office unless copies were taken of them. A book of assignment was to be kept for the entering of matters of court, and likewise a calendar of suits. In 1624 a peremptory order was issued that attorneys and clerks were to return informations, bills, and books within fourteen days after the end of term under penalty of being debarred from practice during the pleasure of the lord president and Council. Care was evidently taken in copying important documents into the register; occasionally a note is appended, 'Examinatur et Concordatur cum Originali'. By the time that the criminal jurisdiction of the court was abolished in 1641 there must have been a large accumulation of records, and by the reference to the records of the court in Lord Carbery's instructions, clause 8 (dated 9 September, 13 Car. II),³ it would appear that they survived the Civil War.

Indications are not wanting that certain disorders had crept into the court in spite of the vigorous efforts for its reform in the reign of Elizabeth. The following warning was addressed by the queen to the earl of Pembroke, lord president, in 1590:

it hath appeared that heretofore larger allowance hath bin made then was needfull to sundry of that Council being but of mean estate coming thither sometimes more for their own and their Friends' Causes than for Ours Or the Administracion of Justice.

At frequent intervals orders were issued in restraint of sundry abuses; for instance, in 1609 any counsellor or attorney misreciting the cause in any material point was to pay 2s. 6d. for every default to the poor man's box. A later order restrained leading interrogatories; this was in the interest of the witnesses, many of them being 'simple men'.

The meeting-place of the Council in the seventeenth century was usually Ludlow, but Tickenhill and Bewdley were occasionally substituted. The registers furnish a few details about the Council meetings which somewhat relieve the monotonous recital of patents and orders. In the summer of 1631 several inhabitants of Shrewsbury and Wrexham died of the plague, and the Council ordered 'that the personal appearance of all the inhabitants of the said towns be spared in this Court till further order be taken in that behalf'. The effort of the declining little court to maintain

³ Phillipps MS. 6462 *ad fin.*

all the dignity it could muster may be seen in the following memorandum dated 21 May 1617 :

That this day in full Court, being the 1st day that this Lord President sat in Court in sight and presence of the whole Assembly there, . . . the said Lord President humbly Kneeling upon his Knees tooke the Oathes of Allegiance and Supremacy to his Majesty the same being to him ministred by the said Chief Justice.

Similarly Lord Eure desired the Council to ' give order that the officers and ministers of the court go out on Saturday to meet the Justice upon his first coming, which will bee on Saturday after dinner '.

The official records of the Council clearly show that its importance was declining in spite of vigorous efforts to support its authority. The volume (no. 235 = Phillipps 14963) now in the Cardiff Public Library shows that it had excited odium enough for some unknown writer, evidently well acquainted with its procedure, to compile a statement of its misdeeds extending to several hundred quarto pages. The manuscript bears no date, but it is clear from internal evidence that the cases belong to the reign of James I. The curious and interesting attack on the Council is planned as follows. First the substance of each article of the instructions is stated, then the intention of each article taken in its literal sense, then come the ' grievances of the Inhabitants of Wales and the marches of the same by resone of every of the said articles ' ; lastly comes the ' comon practise of the said Councell by coloure of every of the said articles to prove the aforesaid grievances '. The Council is roundly accused of oppression and injustice under colour of its instructions ; a man can hardly do anything, such as raise his hand in his own defence, or defend another from being murdered or maimed, or bid his friends to a wedding dinner, or travel along the highway, &c.,

but hee shalbe subiecte to be questioned wrongfully before the councell and fined to as much as hee is worth and more, all his lands and goods sequestred, seased uppon, sould and confiscated . . . his wife and children to be turned a begginge, his body taken and imprisoned, and to have his owne bedclothes taken from hym and hyred to others to ly in and otherwise detayned from hym, and the prisoner forced eyther to ley [*sic*] uppon planks . . . or to heyre unfyttinge and unholsome beds of the Jaylor at what rate the Jaylor will,

The composition of the Council is blamed as being the cause of much oppression :

the said greate number of Counsellors are but shaddowes and shelters for 4 or 5 that are resident to tyrannise and oppresse a great number of subiectes to theire greate gayne and benefytt and to the greate impouerishment and greefe of the Comonalty in those partes.

Another grievance has to do with the meeting-place of the Council :

the towne of Ludlowe dyd in former tymes, before the Councell came thyther, depend uppon Clothinge and were welthy persones and well to live all ; and now sythence the Councell came thyther they converted there [*sic*] Clothinge stores to ferme, heye ground, and pasture, and to furnish there [*sic*] houses with houshold stuffe to entertayne straengers in terme tyme and to provide fuell and to mayntayne servants to attend one there gesse [i. e. on their guests] and in former tymes before ytt was exacted ytt was the Chepest towne wythin the marches of Wales for all suytors to resorte unto untill that of late yeares the lo: presidents to drawe money to there [*sic*] purses would putt out a rumor that the Councell would remove to some other towne for half a yeare wheare they might have 30 or 40^l for coming thyther for 6 monethes (if my lady president or the Stewarde could not perswade the lo: president to the contrary), and hereby all the Innkeepers' pasture and provisions would stand . . . wythout any utterance for ytt to there [*sic*] greate damage and undoinge of many a mann : and heare uppon the hole towne most [*sic*] call a Counsell to make a some of money of 30 or 40^l to present my lady therewyth or the stewarde, and then the councell would remayne there or els they would remove to other places.

The councillors are next accused of downright injustice in many cases and of receiving bribes. A summary of a lengthy suit is concluded with the significant remark :

Nota that Davyd ap Rees was a rich mann and brought 30^{li} in his-purse to the hearing of the said cause and sent home from Ludlowe for more money and the said Mredydd [*sic*] ap Rees was a poore man and had not soe much money to spare.

Other accusations against the Council were that it entertained vexatious suits brought under colour of suppressing the practice of comorthas or unlawful contributions, and that the article in the instructions intended to prevent the embezzling of books and records was at times perverted into a means of injustice. One very general charge was that the Council entertained trifling and frivolous suits, and the following case of the parson and his parishioner certainly shows that it occasionally, at all events, disregarded the maxim 'de minimis non curat lex' :

uppon a reconinge for church dutes one an Ester day there fell out an halpenny due to the parsonne [of Llanngynntor, perhaps Llangunnor, near Carmarthen] which one of the parishioners could not give hym because there wanted chaenge, and because the parsonne would not lose or diminish the right of the church and the parishioner the Custome of the parish, the parsonne and the parishioner concluded to cast crosse and pile for the od halpenny that they could not chaenge, and for soe doinge they were both questioned before the Counsell of the Marches as a matter of greate misdemeanour.

Some of the cases quoted throw noteworthy light on the relations between the Welsh and the English. A certain 'Katherin verch Harry Morgan' learnt some Welsh rhymes and was accused, together with her father and mother, of slandering a certain Sara; the rhymes were not translated, so that the court could not judge whether they were libels and scandalous or not, and yet the girl, who was under sixteen years of age, was committed to the porter's lodge till she should pay 100 marks fine and 20 nobles costs: furthermore she was sentenced to stand on a scaffold with paper and superscription about her head with 'cappitall letters' at the then next great sessions for Cardiganshire, to acknowledge her offences before the whole audience in the shirehall, and then to be brought to the cucking-stool, and there cucked the first day of the assizes and again on the Thursday next following. The irritation caused by the enclosure of waste is shown in the following case. The township of Wylley had a piece of waste land held in common by the inhabitants: Sir Thomas Cornewall claimed it, got an order from the Council of the Marches for the possession of it, and leased it after some time to John Richards and his wife. One John Powell, 'a yonge youth of the said towne', happened to cut with his knife in the greensward on the highway the 'portraiture' of a gallows with a man leaning against the ladder, also certain verses and the letters J. R. Powell was summoned by Richards before the Council, and when asked whether he meant John Richards by the J. and R., he answered with cautious indirectness that 'hee dyd not meane hym more than another man'. The president would not be put off with this evasive reply, and asked if he meant the king (Jacobus Rex) or John Richards; one of the two he must have meant. The luckless youth, being thus brought within suspicion of treason, hastily replied that he did mean John Richards, and was fined £20 and costs.

The unknown writer describes with burning indignation the misdeeds of the porter and the discomforts of the porter's lodge. The following complicated series of misfortunes that befell one Webb deserves mention.

The said Webb beinge one Good Friday drawinge and fishinge of a poole of fish was arested in the poole (by virtue of a warrant) and taken away before hee had taken upp his fish after that the poole was drawn drey, and brought to Ludlowe castell one Ester day; and when hee came to Ludlowe the porter would not receive hym, whearefore the Constable toke hym home wyth hym and before the said Webb came then home all his Carpes, Flies, and fish were stolen and taken away by Crowes and pies and destroyed in the mudd, some of the Carpes beinge worth 18^d a peece and some of the yeales [*sic*] beinge worth 2^s a peece, and there was then lost and destroyed aboue 5^l worth of fish.

Moreover, because Webb was not in his parish church on Easter Day to receive the communion, he was called to the bishop's court and enjoined to do penance. Another case of hardship was that of one Perryn, a Greenwich man, who came to Herefordshire on the king's service and was apprehended on a binding process. For want of sureties he was committed to Hereford gaol for nine weeks, was then brought before the Council and kept a prisoner in the porter's lodge for a fortnight. To maintain himself he was forced to sell his horse, besides spending all his ready money, and 'the matter laid to his charge most unjust'. The irritation against the Council is explicable when we read of the exactions of the porter in meat and drink and lodging: he would put 2, 3, or 4 persons in every bed, and sometimes 5, 6, 7, or 8 persons, 'as the pallat [*sic*] is able to cover, and putteth what price hee thinketh good upon there [*sic*] lodging'. This series of complaints concludes with a list of 'greate annoyances to the prisoners':

that the porter keepeth his Coales and other Baggages over the prisoners' heads in a garrett full of holes in the floore, the dust thereof fallinge one [*sic*] the prisoners in there [*sic*] bedds; and as they walke when they are upp and as they sytt at meate the porter's servants runninge thyther at all times of the day and sturringe those Coales and Baggages.

Also

that the porter placed his hawkes to mewe in the best rowmes of the prisone and turned gentry to the Comon Jayle: the said hawkes doinge greate annoyance in breedinge flies to fill the prisone therewith.

A point of much interest in this lengthy indictment is that the names given are very largely Welsh; it is also definitely stated 'that noe man that was borne in Wales or ever had any beinge or dwellinge there cannot be free from the oppression of that Courte' (fo. 522). This goes to prove that the Council was growing unpopular in Wales as well as in the border counties. It should be remembered that after the Revolution the Council was presented for a grievance by most of the grand juries of the several counties of Wales, and that the members for Wales were charged by their constituents to represent it as a grievance in parliament.⁴

In addition to the foregoing manuscripts bearing on the history of the Council of the Marches a few of less importance may be mentioned, such as the volume in the National Library of Wales (Peniarth MS. 408), containing transcripts (all of which

⁴ See the broadside, *The Case of Their Majesties' Subjects in the Principality of Wales in Respect of the Court held before the President and Council in the Marches of Wales with their Grievances and Reasons for taking away the said Court*, Cardiff Public Library, MS. 373 (Phillipps 21183).

occur elsewhere) dealing with the Four Counties case, Doddridge's *Discourse of the Ancient and Modern Estate of the Principalities of Wales*, extracts from Patent Rolls, lists of lords president, and so forth. George Owen's curious volume, the *Taylor's Cussion* (now in the Cardiff Public Library), contains : (i) a long petition (pt. i, fo. 20-3) to the Council on behalf of the inhabitants of Pembrokeshire touching divers abuses of stealing, marking, and killing of sheep ; (ii) a proclamation (pt. i, fo. 94-5) by the lord president and Council for the reform of sundry disorders within the limits of their commission, dated 1594 ; (iii) letters to two lords president and sundry lists (pt. ii, fo. 14 and 7-20).

The material that can now be consulted at Aberystwyth and Cardiff only serves to deepen the impression gained from other sources that in the seventeenth century the Council of the Marches had outlived its usefulness, and that its survival was felt burdensome in districts where in former days it had conferred undoubted benefits.

CAROLINE A. J. SKEEL.

Free and Open Trade in Bengal

THERE is an interest perhaps not wholly antiquarian in tracing the growth of a policy of free trade in the councils of the East India Company at the close of the eighteenth century. For it is a curious fact that while Adam Smith was still at work on his *Wealth of Nations* this supreme monopolist company was actively enjoining and practising some of the principles which he was to preach. The term 'free and open trade' is an old battle-cry of the sixteenth and seventeenth-century merchants, but we must not read into it the modern connotation. To the men who advocated the free trade bill of 1604 it meant little more than regulated trade, the right for all subjects to trade under the protection and subject to the fiscal requirements of the Crown. They based their claim certainly on 'the natural right and liberty of the subjects of England', but that liberty had always been liable to demands on the part of the government as the very name of customs implies, and as yet they were not questioned, nor were they to be for another two centuries.

It was in the course of their affairs in Bengal and Madras that the East India Company lit upon a true policy of freedom of trade; they found in Bengal that a multiplicity of customs dues, road tolls, and local impositions tended to choke the sources of trade and enfeeble its functions, and in the years of reform from 1770 to 1774 they exerted their authority to remove these hindrances. Their system of free trade was adopted gradually and tentatively and was not carried to its logical completion, but the principle was repeatedly laid down and locally enforced and cannot but have served as an example to the statesmen of their day. In its dual character, as a corporation of merchants and a company of sovereigns, the East India Company experienced in full the double action of government restrictions on trade; while they appealed as subjects to George III to pass their surplus tea duty-free to the American colonies they, as lords of Bengal, authorized its passage free of tolls through their presidency, and negotiated with the 'country powers' for similar free transit through their states on the score that 'freedom in trade is necessarily productive of its increase'.

There were three main branches or aspects of trade in Bengal without a clear distinction of which it is not easy to follow the Company's regulations, for by the date of reform the industrial and fiscal conditions had become inextricably involved. The primary object of the Company was the external trade, the Investment as it was called. This was the export of cotton, muslins, raw silk, and tea, &c., to Europe, and opium to eastern ports. It was the first duty of the Company's servants to collect a sufficiency of these wares against the coming of the East Indiaman and to dispose of their English cargoes. The second branch was the so-called Inland trade, the local commerce of goods from one part of the province to another and the supply of the ordinary commodities of life to the inhabitants. The main objects of this trade were salt, grain, betel-nut, tobacco, rosin, and English goods. The Company as such never intervened in this traffic, but the servants, who were inadequately paid, found it a great resource and continued to take part in it despite the prohibitions of the nabob's administration and of their own masters. It was also a practice with most of them to turn their official standing and the Company's prestige to account by acting as middlemen between it and the weavers in providing goods for the investment. They could obtain the cloths from the ryots at practically nominal sums and charge the full market value to their employers; nor was the Calcutta board often composed of men whose past careers would admit of their calling their inferiors to task in such a matter. Both these practices come under the head of the 'private' trade, and it is not always easy to detect in which capacity a man is acting in a given instance, so that the abuse of opportunity was the general rule.

The profits of both branches of the private trade were liable to be very heavily mulcted at the custom-houses which fringed the Ganges highway and at the country market towns, as the following excerpts from the Company's correspondence may serve to show. The first is from the report of a committee of the house of commons on the East India Company's affairs, dated 24 March 1773.

Your Committee find that Duties and Customs are levied upon almost every article of life; and that they are collected either at chokies or Custom-houses or at the gunges or markets, and that the Nabob or Dewan had the right of making such alterations in these Duties as they thought proper. And that the Company . . . have likewise exercised the right of making alterations, and your Committee having enquired whether the Raja, Zemindar, farmer or collector have a right to lay any new duties, or augment the old ones by their own authority, they find that they have no such right: it appeared however . . . that the books afford many instances . . . of the country having been exceedingly distressed by

additional taxes levied by the Zemindar, farmer or collector, but not so much by the two former as by the latter . . . in every part and corner of the country much more before the Company acquired the Dewany than since.¹

The second is of a similar date, but exemplifies what had been common practices for many years both before and after the Company's influence prevailed.

HUZZURIMULL

*Letter from Pattle of Lushkerpore*²

Oct. 31st, 1772.

I meet with such frequent and uncommon interruptions from the emissaries of Huzzurimull, the Farmer of the Khas Talook, of Nabob Gunge. . . . I am under the necessity of requesting that some immediate and effectual check may be put to their enormous proceedings. The Gunges . . . forming part of the Nabob Gunge Khas Talook have been relet to one Coveer Chowdry, who, exclusive of enforcing the arbitrary instructions he has received from the actual farmer, is daily guilty of many acts of oppression. . . .

The plan upon which Coveer Chowdry now proceeds is to call upon all such as for years past have ever had any dealings at these gunges and to insist on their paying duties to the highest amount which they ever paid in any one year. This duty he insists on collecting, and though they represent that they have long since left off business, or engaged with other gunges, he places a number of peons, pykes, hircarrahs or sepoy upon them and their families, plunders them of what they are possessed of, and either confines or punishes them. . . . A number of his emissaries called 'Gustics' are dispersed all over the country for the purpose of forcing the merchants to resort with their goods to the gunges he holds in farm. . . . Coveer Chowdry also forcibly collects duties upon rice and grain of all kinds, though they are exempted by the express regulations of Government: for this purpose he detains all boats and oxen; when the people accompanying them have money, he takes it, and where they have not, he arbitrarily exacts his duty in kind. . . . My next . . . complaint is the efforts they are constantly making to re-establish that degree of judicial authority which during the administration of the former Soubahs was vested in them . . . they not only encourage the ryots but compel them to prefer their complaints as well true as fictitious; and in the Nabob Gunge only, Coveer Chowdry maintains a Jematdar and 250 hircarrahs.

At every frivolous excuse they depute either sepoy or hircarrahs into my district or Rajeshahy and at their pleasure fine, imprison or maltreat the ryots. . . . Their emissaries on the river attack all boats of inferior force and plunder them; where they meet with resistance and unexpectedly find themselves unable to cope with any boat they may have attacked

¹ *House of Commons Report*, iv. 95. This report refers of course to a state of things of at least two years' earlier date.

² India Office Library, East India Company's Records, Committee of Revenue Consultations, 3.

they have a tom-tom ready to beat, and they then assume the character of chokeydars come to inspect the contents of the boat and demand duties. The rents of the Khas Talook of Nabob Gunge are dwindled to a fourth of what they stood rated at 5 years ago.

Nov. 29th.

[These are] Huzzoorimull's people from whom I constantly receive frequent interruptions as they continue practising the several irregularities set forth.

Reply from Calcutta Board of Revenue

Dec. 4th, 1772.

With respect to the representations against the under farmers of Huzzoorimull's farms we desire you will take a particular account of the exactions he has been guilty of and that you will call upon him for this purpose and compel him to pay back what he has thus unjustly taken, which you are to repay to the claimants on their making good their claims. In this business you must act with the greatest circumspection and moderation, making the examination yourself without entrusting any part of it to any other person whatever, that there may be no cause or pretext for complaints.

We have directed Huzzurimull to give strict orders to his agents to obey you in every proceeding relative to this enquiry and to oblige them to desist from taking in future any illegal tolls or compelling people to bring their goods to particular gauts against their wills on pain of the severest punishment.

We desire you will put a stop to the forcible proceedings of the Jemadar and hircarrahs, and if they or any other persons should practise these oppressions in the future, you must bring them before the Court of Adaulut, as you are to observe that the Phouzdari Court was purposely established to relieve the inhabitants from every kind of oppression and we shall consider every attempt to take money from the people by violence and without a legal pretext or authority as felonious and the perpetrators thereof shall be punished accordingly, of which you are to give public notice. You will acquaint Coveer Chowdry that if we hear any more instances of his misbehaviour he shall suffer in the most exemplary manner.

To Middleton of Rajeshahy

Dec. 4th, 1772.

We have received repeated complaints that the officers of the Khas Talooks, Nabob Gunge, and the Talooks belonging to the Seats, still continue to levy tolls on the goods and boats passing and repassing notwithstanding the public prohibition which has been given. We have in consequence to enjoin you to seize all persons within your jurisdiction who shall offend in this instance and on conviction compel them to refund the money thus taken, and inflict corporal punishment on them.

To prevent the House of the Seats from suffering the disgrace of having their servants publicly punished the President has informed them of this order, that they may give the proper notice to such of their servants as may be employed in these talooks.

To avoid such impositions the Company's servants availed themselves of a frank called the *dustuck*, accorded by the nabob to their employers to cover the goods passed down to the coast for export; this was an encroachment, for the privilege of the *dustuck* was never extended to the inland trade, and in no case should it have covered the wares of private trade. Its extension was in fact one of the abuses against which the court of directors inveighed most bitterly, but though they forbade it year after year the malpractice continued unabated as long as the multitude of *chowkies* and *gunges* continued to stand.

The result of all this was, of course, to check production throughout the province and at the same time both to enhance the cost and lower the quality of the investment. The muslins lost their fineness, the silk was of coarse quality and badly wound, and prices in the London market dropped accordingly. The directors made an inquiry in 1767, and Warren Hastings, who had already spent fourteen years in Bengal, gave evidence as well as others. We may see the impression produced on the directors' minds in a letter dispatched by them on 17 March 1769 :

Notwithstanding there is no branch of our trade which we more ardently wish to extend than that of Raw Silk, we cannot think of effecting it by any measures that may be oppressive to the Natives or an infringement of that freedom, security and felicity we would wish them to enjoy under our government and protection.³

A few months later they follow this up by more explicit warnings :

June 30th, 1769.

It is with concern we see in every page of your Consultations restrictions, limitations and prohibitions, affecting various articles of trade: in a country abounding with manufactures this is the worst of policy. A free liberty of buying and selling encourages the Manufacturers and will increase the manufactures. When the hand of authority is held over the merchants and they are told they have only one Market open for their goods, they will not long bestow their labours upon that trade and the quantity will decrease from year to year.⁴

During these years the Company's precarious financial position and the possibility of parliamentary intervention quickened in the directors a sense of the abuses of which both English and native officials were guilty, and they resolved on strict inquiry and reform and finally deputed the task to Hastings. In a letter of instructions penned on 10 April 1771, a policy of freedom in trade is repeatedly enjoined upon him in these words :

From a conviction that the most effectual means to restore and invigorate the trade of Bengal will be the opening every proper channel

³ *House of Commons Report*, vi. 200, app. 37.

⁴ *Ibid.* vi. 184, app. 27.

for its extension and giving that general freedom which is so necessary to encourage the industry and attract the attention of the natives, we can no longer permit our Servants, of any rank or station whatever, to enjoy the exclusive privilege of the Dustuck. It is therefore our pleasure that all Dustucks be immediately withdrawn and that native merchants as well as English under our protection may have every incitement to extend their views. . . . With respect to the natives and all others under our jurisdiction we further direct that no oppressions or impediments be laid upon their traffic up and down the river ; but that upon their conforming to ancient customs, and paying the established Duties, the passage of their goods be facilitated by all possible dispatch.⁵

These general principles of reform were followed by more detailed directions which Hastings thus summarized in a private 'Abstract' of the sections of the letter :

*Abstract of General Letter. 10 April 1771*⁶

25. Dysticks [Dustucks] to be abolished.
27. No petty Chokeys [custom-houses] to be allowed.
28. The 9 general chokeys for the Circars to be continued and a person to reside at each on the part of the Nabob with the Co.'s servants as Dewan.
30. Other European nations to pay at the general chokeys as usual and nothing more.
34. Orders to revoke the prohibition of trade with Shuja Dowla's country [Oude].

The council at Calcutta investigated the subject, set up a board of revenue, and charged them to carry out the directors' instructions. This was done in a promulgation of 14 May 1772.

*Reply to Committee of Revenue's Enquiries*⁷

Gunges in this part which are held independently of Government agreeably to your orders of the 3rd ult. These gunges are not subject to any regulation from the Government. The proprietor of each collects duties at such rates as he thinks most conducive to his own interest and the prosperity of his gunge.

Patna, April 13th, 1772.

G. VANSITTART.
STEPHENSON.
LAW

Resolved that they be abolished.

⁵ *Ibid.* vi. 186. What the 'established Duties' were will be clear from the instructions that follow. The reference to 'ancient customs' is not so easily intelligible. If it means customs collected under the native system, they are the very duties which it was essential to remove, but the expression is probably used by the authorities at home because they cannot tell to what extent their agent may succeed in the work of reform and whether he may not find it requisite to tolerate some remains of the nabob's establishments. For in 1771, although the directors had resolved to 'start forth as Dewan', the resolution was not yet embodied in practice.

⁶ Brit. Mus., Add. MS. 29130.

⁷ Bengal Public Consultations, 52.

*Abolition of Chokeys*⁸

May 14th, 1772.

Resolved that for the future all goods which have paid the Custom House duties at the Presidency shall be allowed a Rowannah for their free transportation to any other parts of the Provinces.

Resolved also that articles from the subordinates entitled rowannahs and accompanied by them shall not pay any other duty within the provinces. The people at any chokey stopping goods covered by Dustucks or Rowannahs shall be most severely punished and the Drogah of the chokey made answerable.

Feb. 27th, 1773.

⁹ Injunctions were given to the councils of Revenue at Moorshedabad and Patna to encourage by every means that general freedom of trade which you have so wisely recommended . . . the Council at Moorshedabad consulted the Naib Dewan.

The Council at Patna obtained from the several Collectors . . . accounts of the chokeys and Duties in Bahar province . . . and particulars relative to the several branches of the Moorshedabad and Dacca custom-houses have been procured by the Committee of Circuit.

We have resolved to complete the system you have pointed out to us for collecting duties and the encouragement of trade. We shall accordingly adopt the most effectual remedies for removing every improper influence which might heretofore have been practised in carrying on the Inland trade by promoting a free and equal right of commerce throughout the provinces and extending it to all without distinction. We have published an advertisement for the total abolition of dustucks to take place on the 12th of April next, being the first day of the Bengal year.

In lieu of this privilege certain certificates will be granted to such of your servants as have been hitherto entitled to it, upon their paying the established duties (in like manner with other merchants) of $2\frac{1}{2}\%$ and upon their solemn declaration that the goods are their own property, of which a register will be kept and transmitted with such other materials as may best enable you to determine on the mode of compensation which you have been pleased to declare your intention of substituting for the loss sustained by this resumption.

We hope you will not think us deficient in that respectful reliance which we ought to repose in your justice if we add that with the dustuck your servants will lose the only real advantage by which the situation of many . . . we may say by far the greater part of them, was made preferable to that of the free merchants or other sojourners, and as the prospect of this superiority was their original inducement to solicit your service, their disappointment will prove not only a very severe mortification, but will reduce them far below the level of the other competitors in trade, whether natives, Foreigners or British subjects, in proportion to their diligence and attention to the duties of their employes in your service.

⁸ India Office Library Records, Bengal Public Consultations, 52.

⁹ India Office Library, Bengal Letters, ii (i.e. from Calcutta to court of directors).

March 9th, 1773 (?).

¹⁰ We know of no degree of trade to the Eastward or Westward that can be an object to the Customs. . . . It also seems to be agreeable to natural right and never can be against the interest of a state when the channel of exportation is confined within an easy control, that every province should enjoy the consumption of its own commodities free of duty : and in such a situation it can only be necessary to trace the progress of the superfluity. . . .

The Poverty of the inhabitants in the internal parts of these provinces will not permit the enjoyment of luxuries, which in every state, but more particularly in a trading one, form the only true and proper object for taxation. A mutual intercourse of traffic between all districts, undiscouraged and uninterrupted by the insolence of officers appointed to collect the customs, cannot therefore be detrimental to the state. . . .

[Regulations resolved upon]

I. That all duties, tolls, fees or ground-rents collected at the Gunges shall be collected as usual (until further orders i. e. till their amount is ascertained) . . . but that all road duties, whether by land or water, . . . shall be entirely prohibited.

And to render this prohibition more effectual, that all chokies belonging to the Gunges known by the name of Faundees, and at which road duties have hitherto been collected, shall be abolished, and the practice which has too frequently prevailed of obliging merchants to bring their goods to particular Gunges or markets is hereby strictly forbid under the severest penalties, so that every merchant shall be at liberty to carry his merchandize wherever he thinks proper for sale.

II. That every other article of foreign or inland trade excepting salt, beetle-nut, and tobacco shall pay a duty to Government of $2\frac{1}{2}\%$ distinct from the Company's duty paid in Calcutta and without exception to any Sect or Nation whatsoever.

III. That the duty on Salt and Beetle-nut shall continue on the present established footing and the duty on tobacco as it shall be hereafter regulated by the Board on the report of the Board of Customs.

IV. That an appraisement of every sort of merchandize formed from the current prices at the different Custom-Houses for the purpose of regulating the charge of the duties shall be inspected and passed by this Board every 12 months and affixed at every Custom-House for public inspection.

V. That a Board of Customs be established, consisting of a Member of Council and 4 senior servants at the Presidency, to inspect, regulate and control the whole business of the Customs.

VI. That 5 Custom-Houses be established and stationed at Calcutta, Hugli, Moorshedabad, Dacca, and Patna under the control of the above Board.

IX. That a rowannah passed at any one of the Custom-Houses shall be current throughout the provinces . . . and being endorsed by the collector the goods shall pass without interruption or further examination than that

¹⁰ India Office Library, Committee of Revenue Consultations, i.

of satisfying the collector the number of boats in the fleet corresponds with the number specified in the rowannah.

XIII. That to prevent the molestation to which the natives might possibly be subjected by inserting the name of the merchant in the rowannah, which by distinguishing the proprietor of the merchandize will point out to the officers of the Customs the degree of influence, which will oppose his exactions or be exerted for the punishment of them when committed, it is directed that the name of the merchant shall not be specified in the rowannah. . . . For the further prevention of the like distinction it be also made a standing order that all boats belonging to persons trading under the English protection whether Europeans or Natives be allowed and directed to carry the English flag.

XV. All attempts to smuggle goods and defraud the Customs will subject them to confiscation.

XVI. That the Company's Custom-House and the Government Custom-House be considered as distinct departments and the produce of their respective duties brought to account separately, but the management of both shall be put under the immediate charge of the Board of Customs at the Presidency.

XVII. That the goods purchased at the Company's outcry shall not be exempted from the Government duty . . . that the Company's Europe Investment shall also be liable for the same duties as other merchandize to merchants actually resident in the town of Hugli. On this footing we judged it most expedient and consistent with your orders for conducting the intercourse with Foreign Nations not to appoint any collector to that Custom-House, but to put it under the immediate charge of the Phouzdar, who will act under the control of the President and transmit his accounts and correspond officially with the Board of Customs. . . . We are convinced it will afford you satisfaction to observe the success that has attended the regulation of this branch of your affairs in both departments of the Custom-House.

March 23rd, 1773.

¹¹ As they conceive the present system is exceptionable in all its parts, each of which more or less participates of those ill customs, which have contributed to render it so great an evil to trade, they think it necessary utterly to abolish every tax or duty which by the custom hitherto observed has been collected on any necessary of life, or any article of foreign or inland trade.

[From the Court of Directors' orders to abolish chokies] they infer a strong desire to revive the commerce of this country and a willingness to submit to a present reduction in the revenue arising from their customs which from the relief thereby afforded to a declining trade . . . will revert with most ample compensation. . . . From a desire to reduce the price of rice . . . they have already abolished all duties upon grain in its transportation from the country. A conviction of the good to be expected from this and every regulation which tends to reduce the price of the necessaries of life so as to enable the manufacturer to sell his products at a cheaper rate, would induce the Board to extend the relief further . . . as the manu-

¹¹ India Office Library, Committee of Revenue Consultations, i.

facturers in this country are never in a condition superior to the means of present subsistence, the cheaper they live, the cheaper their commodities will sell, and . . . as the necessaries of life diminish in their price, so will the means necessary for subsisting the manufacturer and his family, therefore the imposing of duties upon grain before he consumes it, will operate with all the prejudice which arises from taxing the raw materials of manufactures.

The manufacturer though so poor in credit is compelled to borrow, to pay the duty as well as to purchase his rice. Remit this duty till his products are brought to the place of consumption or export and then charge it upon them and a certain effect of it will be the commodity will be cheaper in proportion to the interest which the manufacturer must pay on what he borrows to discharge the duty on his rice and that which the petty intermediate traders pay upon the money they take up for purchasing the commodity. In short the amount of the duty will accumulate interest in every hand through which the goods pass, and increase the price of them to a degree hardly to be conceived from the comparative amount of the duty actually imposed. It may be further observed that one per cent. paid at the different stations in the route from the Mofussil, will be more grievous to the merchant from the delays and interruptions to which he is thereby subjected than 2% paid at the place of consumption or exportation.

Commodities have risen in the price to a degree that greatly exceeds the medium of trade in foreign markets, the European trade excepted; and to restore our commerce with them it is absolutely necessary to aim at reducing the price of our export goods . . . the duties upon grain are proposed to be abolished . . . fix the duties of the country government at $2\frac{1}{2}\%$ upon all goods exported or imported and upon all trade in general in these provinces excepting grain and such other articles of internal commerce as shall be hereafter specified. The rate of duty paid by the foreign companies is $2\frac{1}{2}\%$ and levied only upon such accounts of their traffic as they are pleased to submit to the officers of the customs.

The benefit of this moderate duty and the extraordinary privilege of being without checks with regard to quantity or valuation of their goods, which by the extravagant use that is made of it reduces the duty to the merest trifle, is also claimed by individuals.

The policy here laid down fixed one rate of duty on all articles except salt, betel-nut, and tobacco, which were a government monopoly rated more highly and earmarked for the provision of certain salaries. Of the rest Hastings writes thus to Dupré :

March 9th, 1773.

[We have completed] a plan for collecting the public customs. It is simple, calculated for freedom of trade. All the petty Chokies of the country are withdrawn and the distinction of the Dustuck, which pointed out to rogues in office what boats they were to pass unmolested and what they might plunder with impunity, is abolished. The duty is fixed to $2\frac{1}{2}\%$; the prices of every article fixed and made public, and the duty paid the goods pass unmolested to the extremities of the province.¹²

¹² Gleig, *Memoirs of Warren Hastings*, i. 303.

The goods forming the investment paid the same rate as any other wares. Thus the principle was laid down that trade should be free, and the practice was made as nearly conformable to it as possible; but this applied only to inland trade. Trade overseas continued to pay the former dues to the Company as fiscal lords of Bengal.

But on the north Bengal had some considerable traffic with Shuja Dowla's subjects in Oude and with Benares, and Hastings determined to carry out the simplification of customs in his treaties with these potentates. He even attempted to open a much wider field for the commerce of Bengal by sending an embassy in response to the overtures of the Dalai Lama, but this unfortunately had no results. The treaties with Oude and Benares are described by Hastings as follows :

October 1773.

' I have settled with Raja Cheit Sing an equal plan of customs for all goods passing from Bengal to Merzapore, which is the great mart of his and the Vizier's dominions, excepting the articles of broad cloth, copper and lead bought at the Company's sales (i. e. imported from London) which are to pay no duties.¹³

THIBET¹⁴

Secret Department

[*The Treaty with Cooch Bahar concluded*]

October 17th, 1774.

. . . soon after this the President read a letter from the Taishoo Lama, who is the guardian and minister of the Delai Lama or the Sovereign and High Priest of all Thibet. The letter itself is a curiosity of no common sort and is replete with sentiments that do credit to both his ecclesiastical and political character. The President on the receipt of this thought it a fitting opportunity of attempting to open an intercourse between these countries and Bengal which you have often recommended to our attention and which we think may be of considerable advantage in a national view.

In pursuance of these ideas the President laid before us such light as he had been able to acquire into the state of that country and proposed that a Company's servant should be sent with a letter in answer to the Lama with particular instructions to inform himself of the nature and state of the country and of the advantages which a communication and free trade with these people offer to the Country or the nation and also to make overtures for establishing such a communication with them.

He further recommended for this arduous and important charge Mr. George Bogle, one of your servants whose merits and abilities we have already had occasion to notice to you and who by his patience, exactitude and intelligence seemed particularly fitted for it. We assented entirely to the President's proposition and Mr. Bogle was accordingly dispatched in June last to the Lama with a letter and suitable presents for him and

¹³ Gleig, *Memoirs of Warren Hastings*, i. 354.

¹⁴ India Office Library, Bengal Letters, 13.

was also provided with various samples of goods to ascertain what are the most probable to become the objects of that commerce, and we allowed Mr. Hamilton, assistant surgeon, to accompany him in the expedition. The great length of the journey and the natural difficulties which Mr. Bogle has to encounter from the severity of the climate and the rudeness of the country through which he is to pass will necessarily make it a considerable time before we can receive any accounts of the success of his mission, but we have the greatest reason to believe that he will meet no obstruction from the people nor incur any personal danger from them.

¹⁵ *Excerpt from Letter taken by Bogle to Thibet*

[To the Lama]

. . . The knowledge, wisdom, understanding and forethought which you have displayed in your address is such that were it not for the many important affairs of Government, it would be impossible for me to resist my desire of proceeding to have a personal interview with you ; but being precluded this pleasure by necessity I have sent Mr. Bogle. . . .

August 17th, 1773.

¹⁶ The plan for regulating and collecting the customs will we doubt not in the end be attended with every good effect which could be expected. In one instance we think we already perceive the salutary operation of such effects. For to the abolition of all arbitrary imposts and exactions and the freedom of currency now ensured to merchants of every denomination in carrying on their trade we are willing to attribute the very advantageous prices which the Company's Europe imports brought at their last sale.

The volume of trade may be estimated in part from the following lists, though they unfortunately only include the first year of the reformed period.

VESSELS ARRIVED IN HUGLI¹⁷

In 1770.	Number of vessels	88
„ 1771.	„	101
„ 1772.	„	119
„ 1773.	„	161

March 20th, 1774.

CUSTOMS RECEIPTS¹⁸

In the year 1770.	144901,5,6	Sicca Rupees.
„ 1771.	201650,13,6	„ „
„ 1772.	307542	„ „
„ 1773.	306192	„ „
„ 1774.	408992,15,6	„ „

A further discussion of the Company's policy and a later

¹⁵ Brit. Mus., Add. MS. 29207. ¹⁶ India Office Library, Bengal Letters 12.

¹⁷ Gleig, *Memoirs of Warren Hastings*, i. 393.

¹⁸ Brit. Mus., Add. MS. 29218, p. 37.

description of its effects is to be found among the evidence given before the house of commons' committee in 1783.

1. Speech of Mr. Rouse on Hurst's letter of July 15th, 1776.¹⁹

. . . in support of the rights of individuals who live under our protection none better deserve it than the merchant and manufacturer; and it is their industry free and unrestrained which once made this province flourish. The cheapness of the Company's cloths, the facility of providing them, the goodness of the fabric, the security of their advances, are objects inseparable from the general ease and happiness of the people and the permanent prosperity of the country. When the manufacturers are impoverished and discontented and the merchants are discouraged it will be vain to look for successful commerce; occasional acts of power to render the Company's trade beneficial will defeat their own purposes and accelerate its ruin. These are self-evident truths. . . .

It has been optional with the Company to assume a superior influence or not and the custom has varied at different times since the year 1765, when they obtained the Dewanny. When in the month of April 1773 it was generally relinquished with a view to the freedom of trade and the welfare of the country it was by a publication under the seal of the Dewanny.

I apprehend that the interest of the Company and the interest of the Country are one and the same thing, and it would be chimerical indeed to argue that freedom of trade does not promote the prosperity of a country. From hence I would beg leave to infer that an Investment of a year or two, procured a degree cheaper by superior influence, will prove a miserable compensation to them for the decay of the cloth manufacture at Dacca.

2. Evidence of Harwood (1783).²⁰

The state of Trade in 1769 was very much inferior to what it had been in former times. Being asked, whether it was much improved from 1769 to 1780 when he left India? he said it had recovered itself in some measure but in no great degree. Being asked whether he does not think that the Company's orders to prevent monopoly were amongst the causes of this degree of recovery? he said, it may have had that effect. Being asked, what are the staple articles of Bengal? he said, Salt, Betel-nut, Tobacco, Opium, Saltpetre, Rosin and grain of different kinds. And being asked if Trade was left free for the natives, whether he thinks they possess capitals sufficient to carry it on without aid from the Revenue of the Company? he said, yes, if left free.

3. Evidence of Hinckman.²¹

Being then asked, whether that trade is as considerable as it was formerly? he said, he believes not. The state of that trade has been often affected by the orders that have been issued by the Government of Calcutta. Being asked, of what nature were those orders? he said, laying restrictions and, he believes, prohibitions upon some part of that trade and which has been prejudicial, but that those restrictions have during Mr. Hastings' government been removed. Being asked, whether trade has revived in consequence? he said, in some degree.

¹⁹ *House of Commons Report*, vi. 236, app. 52.

²⁰ *Ibid.* p. 267.

²¹ *Ibid.* p. 202, app. 37.

In the evidence before us it is constantly impracticable to disentangle the free trade policy from the more general aim of the welfare of the producer, but it is just this close interaction of social and economic motives which affords the success of the reforms and justifies the policy. Certainly no one passage from the correspondence, and perhaps not all taken together, will vindicate the position that the East India Company were free traders in our modern sense of the term. Yet the cumulative effect of them may suggest that they afford a contrast to their eighteenth-century fellows, not yet emancipated from the colonial theory and the policy of the navigation acts. What a different spirit, for instance, breathes in the debates on the American rebellion, where even such friends of the colonists as Pitt and Burke never hesitate to acknowledge either the right or the desirability of a strict government control of trade both at home and abroad. Even the younger Pitt, however enlightened himself, was impotent to clear the channels of trade between England and Ireland as Hastings had cleared those of Bengal.

But if it be granted that the East India Company did the work of pioneers in evolving sound fiscal principles there is little difficulty in tracing the spread of such an influence. In the eighteenth-century world of London both great and small were vitally interested in the Company's affairs, whether as proprietors, as speculators, or as members of the parliamentary inquiries into its conduct abroad. And in the country the great feature of the day was the Anglo-Indian 'nabob', whose estate was bought, like Thomas Pitt's, with the proceeds of his East India service and his trade; men who, by the very vehemence with which some of them denounced a policy that had put an end to their gains, would serve to advertise the economic principles on which it was based.

M. E. MONCKTON JONES.

Notes and Documents

The Brothers of the Emperor Constantine IV

FOR the history of the descendants of Heraclius we have, as far as secular affairs are concerned, no contemporary authority, and, until the publication of the Syriac chronicle of Michael, we were almost entirely dependent on the work of Theophanes; for Nicephorus merely reproduces one of the sources used by Theophanes in a shorter form, and the later Greek writers copy Theophanes or his source and add scarcely anything to our knowledge. This period is therefore, with the exception of that of the Amorians, the most obscure in the history of the empire. Among the difficulties for which no satisfactory solution has yet been found is that of the relations between Constantine IV and his brothers, on which the impossibility of accepting the statements of Theophanes has been almost universally recognized. These statements are as follows: (1) A.M. 6161 (according to the system used in this part of the work 669-70):¹ The Anatolic theme came to Chrysopolis, demanding the coronation of the two younger princes with the cry *εἰς τριάδα πιστεύομεν· τοὺς τρεῖς στέψομεν*. The emperor was alarmed *διότι αὐτὸς μόνος ἦν ἐστεμμένος, οἱ δὲ ἀδελφοὶ αὐτοῦ οὐδεμίαν ἀξίαν εἶχον*, and invited the leaders into the city to settle the matter with the senate, but, as soon as he had them in his power, hanged them at Sycae, upon which the insurgents dispersed, and Constantine cut off his brothers' noses. (2) A.M. 6173 (681-2): Constantine deposed his brothers and reigned alone with his son Justinian. Now not only is the narrative under A.M. 6161 contrary to the fact, which we know from the dating of the acts of the synod of 680, that the two younger brothers were crowned in 659,² but the two statements are at variance with one another, since the earlier one clearly implies that the demand of the Anatolics was not granted, and, as mutilation of an emperor or prince was always carried out for the purpose of rendering him incapable

¹ This synchronism follows from a comparison with the canon of Michael (p. 436, marg.), where the first of Constantine, which Theophanes equates with A.M. 6161, is equated with A.S. 981. This canon is in fact that of James of Edessa (Michael, p. 452).

² That they were crowned during their father's lifetime is known also from coins.

of wearing the crown, the princes cannot have been deposed twelve years afterwards.

Most historians have been content with giving a narrative of their own in which the difficulties are more or less successfully smoothed over without discussion, scarcely any two giving the same account; and, in order to show the confusion that has hitherto prevailed with regard to the matter, it is worth while, before considering the question in detail, to set forth the solutions arrived at by previous writers. (1) Ducange:³ The two princes were adopted as colleagues by their brother, but not crowned, and in 681 were deposed. He then repeats the two notices of Theophanes, pointing out the contradiction. (2) Lebeau:⁴ Constantine had given his brothers the title of Augustus, but not crowned them. In 669-70 the Anatolics demanded a share for them in the sovereign power, the insurrection was put down as described by Theophanes, and the princes warned and kept under observation. In 681, after a conspiracy, they were deposed, and, according to some authorities, their noses were cut off. (3) Gibbon:⁵ The same account, but states the mutilation as a fact, and adds (I do not know on what authority) that this was done in presence of the Sixth Synod. All these solutions depend upon a distinction between coronation and the title of emperor or Augustus, whereas these titles were not conferred except by coronation. If the princes were emperors, they had been crowned, and any solution which does not take account of this fact is worthless. (4) Schlosser:⁶ Constantine named his brothers emperors, but gave them no share in the sovereign power; and, when in 669 a section of the army demanded a better position for them, he, after suppressing the mutiny, put the two princes in custody and privately cut off their noses, but retained their names in public documents till, in 681, he deposed them in presence of the synod. Mutilation is, however, as I have already pointed out, inconsistent with the retention of the names in the acts. (5) Finlay:⁷ The same as Gibbon, except the degradation in presence of the synod. (6) Paparrhegopoulos:⁸ The younger brothers bore the title of Augustus but had no share in the imperial authority. The Anatolics, with the cry given in Theophanes, demanded that such a share should be given them; upon which Constantine suppressed the insurrection and cut off his brothers' noses, but allowed them to retain their titles till 681. If the troops cried *τοὺς τρεῖς στέψωμεν*, the princes had not been crowned and were therefore not emperors; hence this account falls under both the previously stated objections.

³ *Hist. Byzant.* i. 120.

⁴ *Hist. du Bas-Empire*, xi. 408, 456.

⁵ Ed. Bury, v. 178.

⁶ *Gesch. der bilderstürmenden Kaiser*, pp. 88, 98.

⁷ *Hist. of Greece under the Romans*, i. 381.

⁸ *Ἱστ. τοῦ Ἑλλ. ἔθνους*, iii. 314.

(7) Ranke :⁹ Constantine deposed his brothers in 681, no mention being made of any earlier events. (8) Bury :¹⁰ The two princes had perhaps been made Caesars by their father, but the Anatolics demanded that they should be crowned emperors. The author then repeats the notices of Theophanes and suggests three explanations of the difficulty as to the mutilation : (i) that of Schlosser, that the mutilation, being a private matter, did not affect public affairs, (ii) that of Finlay (really Lebeau), that the mutilation did not take place till 680, (iii) that for some reason their titles had in the meantime been restored to them. This is at variance with the fact that the princes were crowned in 659. (9) Lampros :¹¹ The army demanded that the two princes should be crowned, they being only nominal colleagues of their brother. Constantine put down the mutiny, but spared his brothers till 680, when he cut off their noses. This falls under the same condemnation as (1), (2), (3), (5), and (6). (10) Gelzer :¹² The Anatolics compelled Constantine to name his brothers co-emperors, but in 680 he deposed them. This is not only at variance with the fact that they were crowned in 659, but makes the insurrection successful, when the whole point of the narrative is that it failed.

All these authors, however, wrote before the publication by M. Chabot of the original Syriac text of the Chronicle of Michael, which was previously accessible only in the Armenian epitome and in the chronicle of Barhebraeus. Now Michael, like Theophanes, has two notices relating to the fortunes of the brothers of Constantine, and under the same dates ; but the contents are quite different. They are as follows : (1) In A. S. 981 (669-70), the fifty-fifth year of the Arabs, and the tenth of Mu'awiya, Constantine, having succeeded to the throne, assembled the Romans and ordered them to recognize all three brothers as emperors, giving instructions that all the heads should be placed upon the coins and that all should receive equal honour. (2) After he had overthrown the Sicilian usurper and alarmed the Arabs,¹³ he deposed his brothers without fault on their part in order to make room for his son. For this he tried to gain the adhesion of the chief men by presents ; but one of them named Leo refused to consent, whereupon the emperor ordered his tongue, hands, and feet to be cut off ; but, while he was going along, with the executioner¹⁴ accompanying him, he cried, ' A Trinity reigns in heaven, and a trinity reigns on earth. I will not

⁹ *Weltgesch.* v. 169.

¹⁰ *Hist. of the Later Rom. Emp.* ii. 308.

¹¹ *Ἰστ. τῆς Ἑλλάδος*, iii. 732.

¹² Ap. Krumbacher, *Gesch. der byz. Litt.*, p. 954.

¹³ See below, p. 48.

¹⁴ The Syriac word represents *δημιος*, not *δημος*, as Chabot supposes ; and, as Barhebraeus (ed. Bedjan, p. 109) has the same, it is not likely to be a scribe's error.

deny the Trinity in heaven, and I will not reject the trinity on earth,' and, while still repeating these words, he received the sentence. Constantine then called the most prominent men (the senate?) together and said to his brothers, 'What do you term me? your brother or your emperor? If you term me emperor, I will call you my brothers: but, if you term me brother, I shall know you for my enemies'; to which they answered, 'We do not refuse to term you elder and superior brother, but we will never term you our emperor, since we are emperors with you.' The senators, however, on whom they trusted for support, had been won over by Constantine's presents, and they were deposed, and he reigned alone.¹⁵ The second notice appears in a shorter form in the Arabic chronicle of Mahbub of Hierapolis, who uses the same eastern source which was used by Theophanes and Michael; but here the notables and Leo himself are called 'patricians', and it is added that the princes were banished to an island.¹⁶

When writing my chapter on 'The Successors of Heraclius' for the *Cambridge Medieval History*, I had the advantage, not possessed by previous authors, of reading these passages of Michael; but Professor Vasilyev's edition of the work of Mahbub, which, though shorter than that of Michael, is often even more valuable for chronology,¹⁷ did not appear in time for me to make use of it: and as Michael's narratives of Byzantine affairs show great confusion, and his authority is inferior to the western source of Theophanes, I assumed that we had here only a perverted version of the story related by Theophanes, and with much misgiving followed Schlosser in supposing the demand of the troops to have been that a share in the practical sovereignty should be given to the two younger brothers.¹⁸ It is, however, most unlikely that the Anatolics would leave the frontier in time of war and march to Chrysopolis for so unpractical a purpose; and I am now convinced that the eastern notices are substantially correct. There is nothing in them that is at variance with known facts, and it is clear that the author had good information, for he knows, what Theophanes ignores (though he must have read it in his eastern source), that Constans made all his sons emperors;¹⁹ and the punishment inflicted on Leo, if we may understand the 'sentence' to be one of death, and suppose that he was first mutilated and then paraded through the streets, is so entirely in accord with Byzantine custom that it affords a strong presumption of the authenticity of the narrative.

Now it is evident that the second notice in Michael refers to the same event as the first in Theophanes: but they are not

¹⁵ Michael, pp. 436, 437.

¹⁶ *Patr. Orient.* viii. 494.

¹⁷ See below, p. 48.

¹⁸ *Cambr. Med. Hist.* ii. 405.

¹⁹ Michael, p. 432.

derived from the same source, for the mention of the Anatolic theme, of Chrysopolis, and of Sycae by Theophanes points to a western origin, and the silence of Nicephorus is easily explained by the fact that the events related are damaging to the character of the orthodox emperor: for Theophanes shows his theological prejudices by his language only, and seldom, if ever, conceals facts;²⁰ of which his history of Irene is an eloquent testimony. The first notice in Michael is, however, wholly new, though the date assigned to it is the same as that of the narrative of the mutiny in Theophanes; and, while the story in Theophanes is at this date impossible, that of Michael is what might naturally be expected to happen. In earlier times it had been the custom to divide the empire between an emperor's sons after his death: but the reduced size of the empire after the Saracen conquests, and the necessity of presenting a united front to the enemy, made this inadmissible, and Heraclius had therefore made a special provision that two of his sons should reign jointly; but in consequence of Constantine's early death the partnership lasted three months only. Constans, however, had been absent in the west for six years before his death, and, as his life was ended by assassination, he had no opportunity of making provision for the succession, so that a new position was created by his death, and the officials, not knowing if the new emperor would recognize his brothers as colleagues, were in doubt how to act. Accordingly Constantine settled the matter by ordering (perhaps in a speech before the senate like his father's twenty-six years before²¹) that his brothers should receive imperial honours and their names should appear in public acts and their heads on coins together with his own. This must have been done as soon as the news of Constans' death arrived (autumn 668²²), and the reason for the date A. S. 981 is probably that in the canon of James, which may be assumed to have been used by the common source as well as by Michael himself, that year was equated with the first of Constantine.²³

It remains to consider how Theophanes came to omit this notice and insert the story of the mutiny in its place. In the chronicle of George the Monk the mutiny is placed after the destruction of the Arab fleet;²⁴ and as after the alleged Sicilian expedition of Constantine²⁵ George gives none of the notices derived from the eastern source, we must infer that in this part of his work he draws not from Theophanes, but from the western

²⁰ See, however, below, p. 49.

²¹ Theophanes, A. M. 6134.

²² From the synodal acts it appears that Constantine assumed the consulship between 17 September and 7 November.

²³ See above, p. 42, n. 1. It is there also equated with the tenth of Mu'awiya, as in Michael's text. The Arab years of the eastern writer seem to be worthless.

²⁴ Ed. De Boor, p. 723.

²⁵ See *Byz. Zeitschr.* xvii. 455.

source used by him ;²⁶ and there is therefore good reason for thinking that this source agreed with the eastern writer in dating the mutiny not earlier than 677. Now under the same year as the emperor's order with regard to his brothers Michael records the accession of Constantine and the invasion of Africa ; and, as both of these are recorded under the same year by Theophanes, the latter almost in the same words, that author clearly derived the notices from his eastern source. In his other source, however, he found the story of the mutiny, perhaps without definite date, and, unintelligently taking it to refer to the same event, recorded it under this year in place of the notice properly belonging to it. I would conjecture that in the common source some words containing a comparison with the Trinity were recorded, and that this conduced to the mistake. He has not, however, entirely omitted the eastern notice, but sums it up in the words *σὺν τοῖς ἀδελφοῖς*,²⁷ in spite of the contradiction to the following narrative.

We have already seen that the earlier notice in Theophanes and the later in Michael relate the same event from different sources : therefore, when they agree, their testimony is very strong, and we may be sure that the reference to the Trinity was in some form made on this occasion. The two accounts are written from different points of view, Theophanes relating shortly the important facts, while Michael gives us anecdotes ; but there is no essential contradiction between them. Theophanes ascribes the opposition to a theme, Michael to one man ; but clearly a private man would not oppose the emperor, and it is obvious to assume that Leo was *στρατηγός* of the Anatolics, and that he played a similar part to that played by Alexius in 791 ;²⁸ nor is the fact that he alone is mentioned by Michael inconsistent with the statement of Theophanes that several officers were hanged. From Theophanes, also, we may take the story of the treachery by which they were induced to place themselves in the emperor's power. Again, Theophanes places the comparison with the Trinity in the mouth of the soldiers, while Michael ascribes it to Leo at the time of execution ; but, if it was used as a kind of war-cry by the theme, Leo may well have repeated it when he had no more to fear or hope ; and if, as I have conjectured, a comparison of the kind was actually made either by

²⁶ That George used this source may be inferred from the account of the naval battle of 655, in which Theophanes (A. M. 6146) combines two narratives, of which one is preserved in Michael (p. 431) and the other in George (p. 716). See Kaestner, *De Imperio Constantini III*, pp. 6 ff. The common part may here be explained by the use of a common authority by the two sources. George must, however, have known Theophanes, since he coincides with him down to the end.

²⁷ Omitted by Anastasius. The association of the brothers is also stated under A. M. 6160 from the eastern source (cf. Michael, p. 434).

²⁸ Theoph. A. M. 6283.

the emperor or by the senators in 668, the appeal would be a very telling one. The words, however, cannot have been those recorded by Theophanes and George, which must arise from a misunderstanding on the writers' part of the position of the two princes.²⁹ The insurgents sought not to force the emperor to associate his brothers in the empire, but to prevent him from deposing them; and they had no futile or sentimental end before them, but the very practical one of ensuring that in the event of the emperor's death (his life was perhaps known to be a bad one) his successor should be a man, not a boy. As to the fate of the brothers, they may well have been both mutilated and banished, as is in fact stated by the Logothete,³⁰ probably from the source of Theophanes.³¹

Of the second notice in Theophanes, in which the deposition of the princes is recorded, the origin is simple. After the Mardaite occupation of Lebañon (678) Michael records the insurrection of a certain John son of Mzhez, whom he states to have been defeated and killed by Constantine in Sicily, and then goes on to say that 'after defeating the tyrant and alarming the Saracens' he deposed his brothers, as related above. Mahbub omits the insurrection of John; but between the Mardaite rising and the deposition of the princes he records an earthquake at Batnae and Edessa (dated by Michael and the chronicle of 846 ³² 3 April 679),³³ the death of Mu'awiya on 6 May 680,³⁴ and the synod of Constantinople in the first year of Yazid, which according to the canon of James is A. S. 992 = A. M. 6172 = 680-1. Michael, who divides his work into sections according to subjects, records these events elsewhere,³⁵ and ends the section with the story of the deposition; but Mahbub, placing a note of sequence between each event, goes on to relate the death of Yazid, but adds that this was preceded by the rebellion of Al Mukhtar.³⁶ Now in Theophanes

²⁹ If we could accept the version of Zonaras (xiv. 20. 5) *παρὰ τῶν τριῶν ἡμᾶς χρῆσιν βασιλεύεσθαι*, the difficulty would vanish; but he is probably only turning the words of Theophanes into more classical Greek, and the agreement of Theophanes and George shows them to be preserving the words of the source.

³⁰ 'Leo Gramm.', p. 159; Theod. Mel., p. 110; Geo. Mon., ed. Muralt, ccxxxvii. 3.

³¹ That George omits the banishment may be explained by the brevity of his notice. Saint-Martin (Lebeau, xi. 456, n. 3) says that Barhebraeus records the mutilation; but there is no mention of it in Barhebraeus, who only repeats Michael.

³² *Chron. Min. (Corp. Script. Or. Chr.)*, p. 231.

³³ Mahbub says in the same year as the Mardaite rising, but places the latter in the seventeenth of Mu'awiya, which according to the canon is 677. Michael and Theophanes, however, place the Mardaite rising in the ninth of Constantine = 678.

³⁴ By saying that this was a Sunday, which is right, he puts the date beyond doubt.

³⁵ pp. 436, 437, 444.

³⁶ Michael places this rebellion in the same year as Yazid's death (Chabot by omitting the copula in translation has obscured this fact), but without note of sequence. Really the death of Yazid was on 10 November 683 (El. Nis., A. H. 64), and the rebellion of Al Mukhtar on 6 May 684 (Tab. ii. 589).

we find these events recorded as follows: A.M. 6169, Mardaite rising. 6170, Earthquake at Batnae and Edessa. 6171, Death of Mu'awiya. 6172, Synod of Constantinople. 6173, Deposition of the princes. 6174, Rebellion of Al Mukhtar. 6175, Death of Yazid. From this we see that Theophanes took the notice of the deposition from his eastern source,³⁷ but omitted the stories of Leo and of the conversation between the emperor and his brothers, the former because its resemblance to the narrative of the mutiny which he had given before from his western source was too obvious, the latter probably for brevity only, but possibly because it was too unfavourable to Constantine. It is, therefore, merely a duplicate of the earlier notice, and the mutilation of the princes twelve years before their deposition need no longer trouble historians.

It remains to consider the question of the date. The death of Yazid is assigned by Michael to A.S. 995, and Theophanes may have found the date of the deposition of the princes in his source also; but its omission by both Michael and Mahbub makes it unsafe to rely upon this, and it may very well be that, finding two years vacant between the synod in A.S. 992 = A.M. 6172 and Yazid's death in A.S. 995 = A.M. 6175, and being obliged from the form of his work to place every notice under a definite year, he filled them up with the two intervening notices in the source.³⁸ We cannot, therefore, be sure that the date assigned to the deposition by him was derived from the source, and can only assume that it was there placed not earlier than A.S. 992 and not later than A.S. 995; and the accuracy of this date is confirmed by the unlikelihood of the Anatolics marching to Chrysopolis while the war continued, that is before 680,³⁹ and by the existence of a coin of the three brothers ascribed to Constantine's twenty-seventh year (April 680—April 681).⁴⁰ As, however, the synodal acts are throughout dated by the years of the three emperors, we may postpone the *terminus a quo* to 16 September 681, the

³⁷ There is one curious divergence. Michael throughout (pp. 432, 435, 436, 437) calls the princes 'Tiberius and Heraclius' (Mahbub does not record the names), and at A.M. 6160 Theophanes, following the eastern source, does the same; but here and at A.M. 6153 he calls them 'Ἡράκλειον καὶ Τιβερίον, and the synodal acts show him to be right. As Georgius Monachus (p. 717) and the Logothete have the same order, we must suppose that Theophanes got it from his western source.

³⁸ The date given for the rebellion of Al Mukhtar, at all events, can hardly have been in the source, for it appears from Michael that it was there placed in the same year as Yazid's death (see above, p. 48, n. 36). Probably Theophanes took the statement that it occurred 'before' to mean 'the year before'. The question of the chronological system of the eastern writer and its relation to the canon of James is too far-reaching to discuss here, and for the present purpose it is unnecessary to do so.

³⁹ See *Journ. of Hell. Stud.* xviii. 189.

⁴⁰ Wroth, *Imp. Byz. Coins*, p. 329, no. 97. The year is not certain. We know from the dating of the synodal acts that Constantine was crowned in 654.

date of the last session.⁴¹ In order to fix the *terminus ante quem*, we have a coin of the thirtieth year (April 683—April 684) with Constantine's head only,⁴² and the fact that after Yazid's death the Romans took advantage of the anarchy which followed to renew hostilities⁴³ and the war lasted till 7 July 685.⁴⁴ The large number of coins on which Constantine appears alone is, however, in favour of an earlier date; and, as the edict of confirmation of the synod, issued on 13 December 681, runs in his name only,⁴⁵ there is good ground for placing the deposition of the brothers before that time. It is true that the letters of invitation to the patriarchs are also in Constantine's name only;⁴⁶ but a letter might be regarded as a private document, whereas, if the imperial title meant anything, it is difficult to think that, when three emperors existed, an edict would be issued in the name of one only. The papal letters, however, which were read at the synod, are addressed to the three,⁴⁷ and, if the pope had really received a letter in Constantine's name only, it is scarcely credible that he would address his answer to all three brothers; and I cannot, therefore, but suspect that in the letters of invitation the names of the younger brothers were expunged after their disgrace: but, if this had been done in the edict, one would expect it to have been done in the synodal acts proper also.⁴⁸ I believe, then, that Theophanes has, though perhaps by accident, given the right date, and that the deposition took place between 16 September and 13 December 681. The mutiny of the Anatolics should therefore be placed at the end of 681 or beginning of 682. It may be that the deposition was announced, as Michael seems to imply, before an assembly, possibly of the great officers of state present at the synod, possibly of the senate itself; but, if there is any truth in the story of the bribes, they must have been given, not to the officials, from whom no danger was to be feared, but to the soldiers, to whom a donative may well have been granted. The mutilation and banishment were probably a consequence of the mutiny, and not originally intended. The conversation between the brothers need not be taken seriously.

The statement of Theophanes that Constantine then 'reigned alone with Justinian his son' is an Irish bull; and, while the words *μόνος ἐβασίλευσε* are taken from his source ('he deposed his brothers and reigned alone,' Michael; 'he deposed his brothers from the kingdom and reigned alone,' Mahhub), the contradiction *σὺν Ἰουστινιανῶ τῶ νιῶ αὐτοῦ* is a false inference.

⁴¹ Mansi, xi. 624.

⁴³ *Journ. of Hell. Stud.* xviii. 207.

⁴⁴ *El. Nis.*, A. II. 65.

⁴⁶ *Ibid.* pp. 196, 201.

⁴⁸ The letter of Leo II (p. 725) is addressed to Constantine only.

⁴² Wroth, *op. cit.*, p. 318, no. 32.

⁴⁵ Mansi, xi. 697, 712.

⁴⁷ *Ibid.* pp. 233, 285.

from the source, in which it was only stated that he deposed his brothers in order to secure the succession to his son. That Justinian was not crowned at this time follows from the existence of coins of Constantine alone, especially of the coin of his thirtieth year mentioned above, and the complete absence of coins of Constantine and Justinian, and from the letter of Justinian to the pope, which is dated 17 February 687, in the second year of his reign.⁴⁹ From this last it follows that the association of Justinian, if it ever took place (as the assertion of Theophanes has been shown to be based upon a misunderstanding, there is no authority for it), was carried out not earlier than 18 February 685.

E. W. BROOKS.

Burgundian Notes

IV. THE SUPPOSED ORIGIN OF BURGUNDIA MINOR¹

It is not doubted that King Rodulf II of Burgundy obtained a considerable accession of territory at the expense of Suabia, but the date and the occasion of his aggrandizement are disputed. According to the classical historian of the medieval empire, Duke Burchard of Suabia, not long after he had defeated Rodulf at the battle of Winterthur in 919, made an alliance with him, gave him his daughter Bertha to wife, and ceded to him, probably as her dowry, a part of southern Alamannia, namely, the Aargau as far as the Reuss.² A similar statement has been made by most writers on the reign of King Henry the Saxon. It is, however, to be observed that the one authority who records the grant, Liudprand of Cremona, mentions it not in connexion with Duke Burchard and his daughter's marriage, which took place in 922,³ but in connexion with King Henry and his acquisition of the Holy Lance. This relique—so Liudprand tells us—belonged to Rodulf II, and the German king ardently desired to obtain its possession. His request was refused, and it was only a threat to invade and ravage his kingdom that compelled Rodulf to give it up; whereupon Henry heaped presents upon him, and furthermore gave him no small part of the duchy of Suabia (*verum etiam Suevorum provincie parte non minima honoravit*).⁴

⁴⁹ Mansi, xi. 737, 738.

¹ This note was written nearly a year ago. The delay in its publication has enabled me to profit by the remarks of Dr. A. Hofmeister, *Deutschland und Burgund im früheren Mittelalter* (Leipzig, 1914). The preceding Burgundian Notes appeared *ante*, xxvi. 310; xxvii. 299; xxviii. 106.

² Wilhelm von Giesebrecht, *Geschichte der Deutschen Kaiserzeit*, i. (5th ed., 1881) 209 f.

³ *Ann. Sangall. mai.*, in *Monum. Germ. Hist.*, *Scriptores*, i. 78; cf. Poupardin, *Le Royaume de Bourgogne* (1907), p. 374 f.

⁴ *Antapodosis*, iv. 25.

The evidence of Liudprand is not exactly contemporary, it is nearly a generation later than the particular event which he relates ; but it is the only evidence that exists. According to it, there can be no question of Duke Burchard in the affair. The cession of territory was made by the German king, and could not have been made (unless in consequence of a rebellion, of which there is no trace) while Burchard was alive. His death, on 29 April 926, left his dukedom at the king's disposal, and only during the interval between that event and the appointment of Herman the Franconian as duke, or on the occasion of the latter's appointment, could Henry have granted away a part of its territory.⁵ It is likely that the cession to Rodulf and the appointment of Herman were both settled at the same time, at the council held at Worms in November 926.⁶ The supposition that the grant was made at the time of Rodulf's marriage, though it is commonly accepted, has no good authority. The chroniclers who inserted Liudprand's facts under what seemed to them appropriate years, chose various dates for the transaction, the most precise being 929, 935, or during Rodulf's Italian enterprise, early in 926 ; but it is not until after the middle of the twelfth century that the year becomes fixed as 922. And every one of the authorities which give this last date derives the matter of his statement from the chronicle of Otto of Freising, who in fact mentions no date at all.⁷ It has, however, been argued that the year 922 is correct on the ground that Liudprand says that the Lance was given to Rodulf by a certain Count Samson, who may probably be identified with one of the party which invited the Burgundian king into Italy.⁸ But this is no proof that he gave Rodulf the Lance at that time ; it does not furnish a sufficient presumption in favour of a very suspicious and badly accredited date. And the decisive argument against it is that the gift of the Lance, if (as we are assured) it was accompanied by a cession of a part of the Suabian duchy, must have taken place when the dukedom was in the German king's hands, that is, after April 926.

What was the territory which Henry gave up to the Burgundian king ? Giesebrecht, in the passage to which I have referred, says, the Aargau as far as the Reuss, and the phrase ' the land between the Aar and the Reuss ' has been repeated in substance by almost every one who has mentioned the subject. If this be correct, the cession is of great interest to students of later Swiss history ;

⁵ Since this was written I have found that the same conclusion is arrived at by Dr. Hofmeister, in his essay on *Die heilige Lanze*, pp. 9-17, in Gierke's *Untersuchungen*, xcvi (1908).

⁶ This is Dr. Hofmeister's suggestion, *ibid.* p. 16.

⁷ This is very clearly made out by Dr. Hofmeister, *ibid.* pp. 10-13.

⁸ Poupardin, pp. 375-81.

for it includes part of the canton of Uri, the whole of Unterwalden, the greater part of the territory which once made up the cantons of Bern and Lucerne, and most of the Aargau. But the evidence for this precise delimitation is extremely unsatisfactory. M. Poupardin traces the definition of the territory to Loÿs de Bochat, and cites also Jahn, Waitz, and Longnon. Bochat, however, must be excluded: he speaks only of *une partie du Duché de Souabie; le Roi de Germanie, voulant diminuer la puissance de cette Branche des Welfes* [the duke of Suabia], *donna au Roi de Bourgogne une bonne partie de la Succession*.⁹ Down to nearly the middle of the nineteenth century historians were contented with the general statement of Liudprand. But in 1841 Christoph Friedrich von Stälin expressed the opinion, without citing any evidence for it, that the lands granted to King Rodulf consisted of the territory between the Aar and the Reuss; and it was he also who first connected the grant with Rodulf's marriage.¹⁰ The same statement of boundaries was made twenty years later by François Forel, but he assigned no precise date to the cession: he merely suggested that 'probably during the reign of Rodulf II the kingdom extended into the region situated between the Aar and the Reuss'.¹¹ In course of time the authority of Stälin on the point appears to have become almost unquestioned: it is appealed to by Albert Jahn and Georg Waitz, to mention no other writers. Jahn says that the newly-acquired territory bore the name of Little Burgundy,¹² and in another place speaks of the extension after the time of Rodulf I as reaching to the Rhine, the Reuss, and beyond into eastern Switzerland.¹³ Waitz thinks that it was probably in connexion with the agreement between Rodulf II and Duke Burchard that a part of Suabia 'nearly as far as the Reuss was handed over to Burgundy'.¹⁴ Auguste Longnon in,

⁹ *Mémoires critiques sur l'Histoire ancienne de la Suisse* (Lausanne, 1747), ii. 234. Bochat's reference to Gabriel Bucelinus, *Rhaetia sacra et profana* (Augsburg, 1666), p. 192, shows that older writers saw clearly, what modern historians have failed to see, that the act was that of the German king and that Duke Burchard was not concerned in it. Bucelinus, however, gives too late a date, 929. He speaks of the grant of *magnam partem Alemanniae* without defining further.

¹⁰ 'Wahrscheinlich um die Zeit seiner Vermählung erhielt Rudolf, wohl nicht ohne Mitwirkung seines Schwiegervaters, den westlichen Theil des schweizerischen Alemannien (den Aargau bis zur Reuss), angeblich als Gegengeschenk für die . . . heilige Lanze': *Württembergische Geschichte*, i. 430 (Stuttgart, 1841), not to be confounded with the smaller *Geschichte Württembergs* by the writer's son, P. F. Stälin (1882-7).

¹¹ This statement occurs in the introduction to Forel's *Regeste soit Répertoire chronologique (Mémoires et Documents publiés par la Société d'Histoire de la Suisse Romande*, xix, Lausanne, 1862), p. liv. In the *Répertoire* itself, p. 37, no reference is given to Liudprand, and the statement cited appears to be taken from some modern writer at second hand.

¹² *Geschichte der Burgundionen* (Halle, 1874), ii. 393.

¹³ p. 483.

¹⁴ *Heinrich I* (3rd ed., Leipzig, 1885), p. 66.

like manner, says that Rodulf, about 926, extended his kingdom to the Reuss, thus adding to it the whole of the Aargau.¹⁵

The only exceptions that I have noticed to the general adoption of Christoph von Stälin's opinion are furnished by Georg von Wyss and J. Ludwig Wurstemberger, both writers of the middle of the last century, and recently by M. Poupardin and Dr. Hofmeister. Wyss, than whom no man was better acquainted with the local history of northern Switzerland, maintained that the cession could not have extended beyond the Upper Aargau.¹⁶ He seems to have based his opinion chiefly on the fact that the duke of Suabia, in 924, exercised jurisdiction over Boswil near Muri; ¹⁷ but if the grant took place, as I have argued, two years later, this would, of course, be irrelevant.¹⁸ From the evidence of 924, and from that of charters belonging to the latter part of the tenth century, he arrived at the conclusion that the district ceded to Burgundy was bounded on the west by the Aare from its source down to Aarwangen, and on the east by a line drawn in a southerly direction from Aarwangen to Huttwil, not far from the north-east border of the present canton of Bern, but considerably westward of the Reuss. This, he held, represented the permanent acquisition of Burgundy in the tenth century: it became civilly the Landgraviate of Burgundy, ecclesiastically the archdeaconry of Burgundy in the diocese of Constance.¹⁹ But these delimitations cannot safely be affirmed until long after the date at present under consideration. Wurstemberger more cautiously maintained that the extent of the territory ceded, if any territory actually was ceded, was quite uncertain, and that there was no documentary evidence to show that the Aargau was possessed by Burgundy earlier than the time of Rodulf III.²⁰ Possibly, I would add, the land acquired by Rodulf II in 926 may have served to bridge over some Suabian lands between Burgundy and the city of Basle; but the matter is not free from difficulty. There is evidence that Basle was not Burgundian in 912, for in that year *Ruodolfus rex Burgundiae ad civitatem Basileam et inde ad propria*.²¹ The death of Lewis the Child may have furnished

¹⁵ *Atlas hist. de la France*, Texte, p. 83 (1888). So too P. F. Stälin, *Geschichte Württembergs*, i. (1882) 224.

¹⁶ *Mittheilungen der Antiquarischen Gesellschaft in Zürich*, viii (1851-8), n. 72 (p. 14 f. of the Notes). ¹⁷ *Ibid.*, Beilage 24.

¹⁸ I have omitted any reference to the record of a charter which makes Ludretikon in Thalwil, near the lake of Zürich, Burgundian in 914 or 915 (*ibid.*, Beilage 23), because its date is extremely doubtful: cf. Hofmeister, *Deutschland und Burgund*, p. 37, n. 3. In any case Ludretikon does not lie, as M. Poupardin seems to suppose (pp. 30, 33 n. 3), between the Aar and the Reuss. ¹⁹ *Mittheilungen*, Notes, p. 15.

²⁰ *Geschichte der alten Landschaft Bern*, ii. (Bern, 1862) 39 f. He clearly points out that the date must be subsequent to Burchard's death, in 926.

²¹ *Annales Alamannici* (Monza and Verona texts), in *Monum. Germ. Hist.*, Scriptores, i. 55, col. 2.

the opportunity, of which Rodulf I availed himself, to extend his territories.²² In 1006 the city was annexed to Germany by Henry II: *Heinricus rex in regnum Burgundionum veniens Basileam civitatem suo regno adscivit.*²³ I do not think we can say that it is certain²⁴ that Basle formed part of the territory ceded to Rodulf II. All that can be affirmed is that this occasion is the most probable that can be suggested between 912 and 1006.

The most recent writers, as I have said, are content to leave the question as to the extent of land ceded to Rodulf II undecided, and this is really the point to which the present paper is directed. My purpose has been to try to fix the date of the cession and to show that the current statement of its extent is not traceable beyond the middle of the nineteenth century and is founded on no early authority.

REGINALD L. POOLE.

ADDENDUM TO NOTE III

When I ventured to suggest²⁵ that the treaty recorded by Liudprand to have been made about 933 between Rodulf II of Burgundy and Hugh of Italy had a more limited scope than has been commonly attributed to it, I feared that my criticism might be open to censure as over-rash. I have since learned that I erred on the side of moderation. It appears that so long ago as 1842 Koepke maintained, in a Latin dissertation which I have not seen, that the supposed treaty never existed at all and that Liudprand simply misunderstood what he heard of the treaty of 928 between Hugh and Rodulf of France. Since I wrote, this view has been urged independently by two highly competent writers, Dr. A. Hofmeister²⁶ and Signor L. Schiaparelli.²⁷ Dr. Hofmeister points out with truth that Liudprand in his third book was writing about facts which he knew only by report, and that his forty-eighth chapter contains a series of miscellaneous notices which must not be taken as necessarily following in chronological sequence the events of 932 mentioned just before. But granting this, I cannot but think that the resemblance between the circumstances related by Flodoard and by Liudprand concerning the negotiations is slight and the difference considerable. According to Flodoard, Herbert of Vermandois went in the summer of 928 with Rodulf of France into the duchy of Burgundy. He then had a meeting with Hugh, who granted him the province of Vienne. Liudprand's account is that when the Italians sent to invite Rodulf of Burgundy into their country, Hugh dispatched

²² So Hofmeister, *Die heilige Lanze*, p. 15.

²³ *Ann. Einsidenses*, in *Monum. Germ. Hist.*, *Scriptores*, iii. 144.

²⁴ As Dr. Hofmeister says, *loc. cit.*, n. 8.

²⁵ *Ante*, xxviii. 106-12, 1913.

²⁶ *Deutschland und Burgund* (1914), pp. 46 ff., 63. I have to thank Dr. Hofmeister for correcting two dates which I inadvertently took from private charters: Carona, June 926 (*ubi supra*, p. 107), and Pavia, 1 May 928 (p. 110). These prove nothing as to the royal itineraries.

²⁷ *I Diplomi di Ugo e di Lotario*, in the *Bullettino dell' Istituto Storico Italiano*, xxxiv. (1914) 30 f.; to which I owe the reference to Koepke.

envoys to him and granted him all the land which he held in Gaul before he acquired the Italian kingdom, and took an oath from him that he would nevermore enter Italy. Hugh is the only person common to the two narratives: not only the recipient, but the place, the manner, the extent, and perhaps the date of the two grants are all different. Liudprand must indeed have been ill-informed if he recorded everything here wrongly. But for the present I confine myself to stating *prima facie* objections. A final judgement may be possible when the drastic criticism applied recently by Signor Fedele and others to the trustworthiness of some parts of Liudprand's narrative is further advanced. R. L. P.

The Reception of Arabic Science in England

IN the diffusion of the science of the Saracens throughout western Europe in the twelfth century England occupies a position of considerable importance. An English scholar, Adelard of Bath, seems to have been the chief pioneer in this movement of study and translation,¹ while the existence of a certain number of dated treatises of his contemporaries and successors makes it possible to follow the spread of the new learning in England with greater definiteness than has so far been attempted elsewhere. At the beginning of the century we have a group of abacists and computists who have in nowise been affected by Arabic influence: the abacists, such as Thurkil and Adelard in his *Regule abaci*, follow the schools of Lorraine and Laon,² while in astronomy the older Latin tradition is found in full vigour as late as 1119, when Philippe de Thaon wrote his *Cumpoz* with the help of Bede, Helperic, Gerland, a lost treatise of Thurkil on this subject, and the work of the so-called Nimrod, which in its present form probably dates from the Carolingian period.³ In the following year, however, the new movement begins to make itself felt in Walcher, prior of Malvern, who had possessed one element of the Arabic astronomy, the astrolabe, as early as 1092, and who now begins to utilize the teaching of a converted Spanish Jew, Petrus Alphonsi.

¹ *Ante*, xxvi. 491-8; xxviii. 515 f.

² Poole, *The Exchequer in the Twelfth Century*, pp. 47 ff.; Haskins, *The Abacus and the King's Curia*, ante, xxvii. 101-6. To the Lotharingian abacists who are found in England at the close of the eleventh century Walcher of Malvern, called 'abacista' in his epitaph (*infra*, p. 57, n. 4), should be added.

³ Mall, *Li Cumpoz Philippe de Thaün mit einer Einleitung* (Strassburg, 1873); T. Wright, *Popular Treatises on Science* (London, 1841), pp. 20-73; P. Meyer, *Fragment du Comput de Philippe de Thaon*, in *Romania*, xl. 70-6. Cf. Langlois, *La Connaissance de la Nature et du Monde au Moyen Age* (Paris, 1911), pp. 2, 3, 11; Hamilton, in *Romanic Review*, iii. 314, who suggests the identity of Turkils and Turchillus compotista, but overlooks the fact that the treatise in three books cited by Philip cannot be the *Reguncule super abacum*, which contains nothing on the subjects treated in the *Cumpoz*. I have discussed Philip's sources in a forthcoming article in the *Romanic Review* on 'Nimrod the Astronomer'.

Of Lotharingian origin, Walcher had come to England by 1091, and at his death, in 1135, had acquired a reputation as mathematician and astronomer,⁴ which is confirmed by two treatises preserved in the Bodleian MS. Auct. F. 1. 9 (ff. 86-99), a manuscript of the twelfth century in which they precede the Khorasmian tables of Adelard of Bath.⁵ The first of these, written between 1107 and 1112,⁶ is a set of lunar tables, with explanations, which comprise a cycle of seventy-six years ending in 1112, and are calculated from an eclipse observed in 1092. In 1091, while travelling in Italy, Walcher saw the eclipse of 30 October but had no means of determining the exact time, save to note that it differed considerably from the hour reported on his return to England by a brother monk, whence he comments on the considerable difference in time between the two countries. In the following year, however, he had the good fortune to observe the eclipse of 18 October and fix it accurately by means of the astrolabe, which he mentions with the Arabic names of two of its points as something well known to his readers.⁷ His account reads :

De experientia scriptoris

Quod vero ipse expertus sum quodque de his et de ceteris supradictis inquirere et colligere potui non silere curavi, ut his quibus defectus solis et lune non est visus aut querendi modo supradicto facultas vel otium vel diligentia non famulantur certior faciliorque ad naturalem cuiusque lunationis originem pateat aditus. Anno ab incarnatione domini iuxta Dionisium M^oXC^oI^o contigit me esse in Italia in parte orientali ab urbe Romona⁸ itinere diei et dimidii ubi defectum lune .xciiii^e. vidi .iii. kal. novembris ad occidentalem plagam ante aurore exortum, sed nec horologium tunc habui quo plenilunii horam deprehenderem nec ipsa luna conspicue densis obstantibus nebulis apparebat. Memini me vidisse eam corniculatam in modum .V. sed quando deficere incipit vel quando rursus plenitudinem sui luminis recuperavit vehementius densatis nebulis videre non potui. Reversus itaque in Angliam cum quesisses a quibusdam siquis eo tempore vidisset eclypsin, narravit mihi frater quidam ea die tota que noctem illam precesserat diurno tractande cause negotio se occupatum plurima iam noctis parte transacta domum venisse, postea cenasse, post cenam parumper sedisse, et quendam de familia egressum attonitum regredi dicentem horrible prodigium in luna monstrari, quod ipse dum exisset vidit et agnovit diu ante mediam noctem, multum enim adhuc

⁴ See his epitaph in *Monasticon*, iii. 442; and cf. William of Malmesbury, *Gesta Regum*, ii. 346. The visit to Italy is known only from the text printed below.

⁵ Tanner (*Bibliotheca*, p. 745) gives Walcher a bare mention on the basis of this manuscript (= Bernard, no. 4137).

⁶ It refers (f. 95^v) to the eclipses of 11 January and 31 December 1107, and is obviously anterior to the close of the lunar cycle in 1112.

⁷ f. 90, col. 2: Quia de astrolabio scientibus loquor, primam partem Tauri eidem altitudini superposui in parte Almagrip . . . notato loco quem designabat Almeri.

⁸ Sic.

a plaga meridiana distabat quam semper luna plena nocte tenet media. Iamque inter Italiam et hanc nostram Anglię insulam non modicam horarum animadvertendam distantiam, cum illic paulo ante auroram defecerit iam vergens ad occasum, hic vero diu ante mediam noctem adhuc ab ortu ascendens. Sed cum nil certum haberem neque de illa neque de hac terra unde quod in voluntate habebam cyclum texere inciperem, grave ferebam et in instantia querendi permanebam. Et ecce anno sequenti eiusdem mensis lunatio tanquam meis occurrens studiis ut me reficeret iterum defecit et .xv. kal. Novembris obscurata me illuminavit, quia ignorantię meę tenebras ipsa lumine privata depulit. Mox enim ego apprehenso astrolapsu hora qua totam nigredo caliginosa lunam absorbuerat diligenter inspexi, et .xi. noctis agebatur hora .iii. puncto peracto. . . . Modum autem huius inquisitionis si alios non piget legere, me non piget scribere, et credo quia omnino non deerunt quibus placeat.⁹ . . .

This clear bit of evidence is of some importance as confirming specifically, what we know in general from the treatises on the astrolabe commonly ascribed to Gerbert and Hermannus Contractus and containing numerous Arabic words,¹⁰ that an acquaintance with this instrument had in some unknown way passed into Latin Europe in the course of the eleventh century, thus preceding considerably the arrival of the Arabian astronomy as a whole. The tables of Walcher's first treatise are worked out by the clumsy methods of Roman fractions, but in the second, written in 1120, he uses the degrees, minutes, and seconds, and the more exact observations which he has learned, evidently in England, from Petrus Anfusi (f. 96) :

Sententia Petri Ebrei cognomento Anphus de dracone quam dominus Walcerus prior Malvernensis ecclesię in latinam transtulit linguam.

Inter .vii^{em}. planetas per zodiacum circumeuntes discurrit etiam draco sed contrario motu . . . Ecce vides si de eclypsi aliquid volumus prescire quam sit necessarium scire in quibus signis vel signorum gradibus inveniri vel sibi opponi debeant sol et luna caput et cauda draconis omni tempore. Ad quod investigandum prius videnda est via per quam discurrunt, quę est in zodiaco circulo sed non iuxta usum nostrum priorem. Nos enim, quia traditum a prioribus tenebamus auctoribus unum esse gradum spatium illud quod sol in zodiaco in una die et nocte peragit, ipsum zodiacum in computationibus nostris per .ccc^{os}.lxv³. gradus et quadrantem dividere soliti sumus propter totidem anni dies et vi^{ex}. horas, ut unusquisque dies suum habeat gradum et .vi^{ex}. horę, quę sunt diei unius quadrans, unius gradus quadrantem. In tali divisione unumquodque signum plusquam .xxx^{ta}. gradus habet quia solem .xxx^{ta}. diebus et .x^{cen}. horis cum dimidia retinet. In presenti autem negotio magister noster hac divisione non utebatur sed illa quę unumquodque signum in .xxx^{ta}. gradus equaliter

⁹ f. 90, col. 1.

¹⁰ Bubnov, *Gerberti Opera Mathematica*, pp. 109-147; Migne, *Patrologia Latina*, cxliii. 379-412.

dividit et totum zodiacum .ccc^{ti}s.lx^{ta}. gradibus claudit secundum quam sol in die unum gradum non perficit. Unde cum de solis inter ipsos gradus progressionem queritur cum difficultate .ccc^{tos}.lx^{ta}. gradus per .ccc^{tos}.lx^{ta}ve. dies et quadrantem quibus sol totum perficit zodiacum dividuntur, quia minorem numerum per maiorem dividi natura non patitur. Oportet itaque hanc divisionem per minutias fieri, sed magister noster minutiarum quibus utuntur Latini usum non habens tali utebatur divisione : Zodiacum totum sicut et nos in .xii^{ci}m. signa unumquodque signum in .xxx^{ta}. gradus unumquodque gradum in .lx^{ta}. punctos unumquodque punctum in .lx^{ta}. minutias unamquamque minutiam in .lx^{ta}. minutias minutiarum dividebat, et per harum particularum collectiones ubi sol vel luna vel caput seu cauda draconis inveniri possent quacunque die vellet vel hora diei vel horę particularia investigabat. Et ad hæc investiganda tale nobis posuit fundamentum :

Anno ab incarnatione domini .Millesimo. Co. XX^o. kal. Aprilis feria V^{ta}. hora diei VI^{ta}. plena fecerat sol in Ariete VII^{em}. gradus et XVIII^{em}. punctos et LVII^{em}. minutias ; luna vero in eodem signo XX^{vi}III^{es}. gradus et XXX. punctos et LI. minutias ; caput draconis erat in primo gradu Scorpionis in primo puncto in prima minutia. Nimirum miraris sicut et nos mirati sumus quod solem kal. Aprilis in .VII^o. gradu Arietis esse dixerit, cum omnium Latinorum, non dico modo aliorum, auctoritas habeat ipsum solem ipsa die XV^{mum}. gradum eiusdem signi tenere. Unde et interrogatus a nobis respondit dicens, Tunc quod dixi de die et sole et gradu signi verum esse scietis cum per hoc eclipsim futuram inveneritis. . . . Nos autem tantummodo videamus ubi ponat initia vel fines signorum et in hac supputatione in qua ipsum magistrum habemus sic eius institutionem teneamus ut nostram in aliis non relinquamus.

Questioned respecting the diurnal motion of the sun and the moon, the master says (f. 96^v), after giving the median motion of the moon :

Habet et ipsa motum maiorem et minorem quorum diversitatem ad purum in promptu se non habere dicebat et codices suos in quibus de his et de aliis pluribus omnia certa habebat se trans mare tunc temporis reliquisse. . . . Ecce totum quod dixit nobis de investigatione futurę eclipsis. Unam siquidem id est solis in convenientia ipsius solis et lunę et capitis sive caudę draconis fieri dixit, alteram id est lunę in oppositione ipsorum ut dictum est. Indicavit etiam loca diem et horam unde initium investigandi debeamus assumere et cursum siderum per quem ad finem inquisitionis debeamus pervenire. Quod amplius est prudentię calculatoris relinquatur.

Walcher then works out the motion of sun, moon, and nodes for groups of days and months, in the course of which he says (f. 97^v) :

De luna vero, quia accensionem eius et plenilunium sequitur solis eclipsis et lunę, nil melius ad presens dicere possumus quam supra dictum est ubi de naturali accensione eius tractavimus, quanvis ad certam illius horam propter diversos eius motus pervenire non valeamus. Quam diversitatem et nos in ipso tractatu deprehendimus et testimonio Petri Anfusi confirmatum est dicentis eam habere .iii^{es}. motus ut supradiximus.

Further evidence of the astronomical labours of Petrus Anfusi is contained in a treatise written in 1115, though not necessarily in England, and preserved in MS. 283 of Corpus Christi College, Oxford.¹¹ Here we have first a set of chronological tables of the sort usual in treatises based on the Arabic, including a concordance of eras for the year 1115,¹² then a series of tables for the various planets, and finally an explanation of the use of the chronological tables covering four pages and beginning as follows:¹³

Dixit Petrus Anfusus servus Ihesu Christi translatorque huius libri: Gratias Deo omnipotenti et domino nostro qui creavit mundum sua sapientia et disposuit suo intellectu omnia. . . . Hec autem trina cognitio vocatur stellarum scientia que in tres partes dividitur in cogitatione mirabiles et in rerum significatione notabiles et in experimento approbabilis. Quarum prima est scientia qualitatis et quantitatis circulorum firmamenti cum his que in eo sunt, ad quam vivacitas humani ingenii pervenit geometrali figura numero et mensura; secunda est scientia motuum firmamenti circulorum et stellarum que per numerum sciri potest; tertia vero est scientia nature circulorum et stellarum et significationes eorum in rebus terrenis que contingunt eorum ex nature virtute et suorum motuum diversitate que experimento cognoscuntur. Fuit etiam ex animi mei sententia ut inde librum ederem et ut per ipsius noticiam eiusdem utilitas cognosceretur scilicet numerus et motus circulorum et stellarum pertinentibusque cum ipsis annis videlicet et mensibus diebus horis ipsarumque punctis, itaque primum necessarium est quota feria annus vel mensis incipiat nosse. Hoc autem opus magno labore desudatum et summo studio ab Arabicis Persicis Egipciacis translatum Latinis benigne impertiri volui, et quia volo ut hic liber predictis omnibus clareat, ideo sub eorumdem numero intitulavi et prout in ordine in eorum lingua repperi sic seriatim in latinam linguam digessi.

It may be doubted whether we have this work in its original form, for the chronological tables seem out of place with reference to the explanation of them, while the planetary tables are notable, in the pages which I have been able to compare by means of photographs, for their close agreement with the Khorasman tables as translated by Adelard of Bath, in the earlier form of his text preserved in the Bodleian.¹⁴ There can be no question of

¹¹ ff. 113-44, saec. xii. exeuntis. Cf. Coxe, *Catalogus*, p. 122.

¹² f. 113: Tabula ad cognoscendum quantum temporis secundum omnes subscriptos terminos restat usque ad principium huius operis. This table is also found for the same year in a manuscript of the Ambrosian entitled *Liber ysagogarum Alchoarismi ad totum quadrivium* (MS. A. 3 sup., f. 18; ante, xxvi. 494), so that there may be some relation between the two treatises.

¹³ f. 142^v. Cf. Steinschneider, *Die hebräischen Uebersetzungen des Mittelalters*, p. 985.

¹⁴ ff. 141^v-142 = MS. Auct. F. 1. 9, ff. 101-2. At the close of the tables (f. 141) we find the same concordance of Arabic and Christian dates for 1 January 1126 as in the Bodleian MS. (f. 159; ante, xxvi. 494), followed by a concordance for the eclipse of 2 August 1133.

two distinct versions, for in the explanatory portions the verbal coincidence is exact. As there is no specific reference to the tables in the preface, their insertion here may be due to a copyist, but unless this can be established, their occurrence raises interesting questions respecting the relations of the two contemporaries and their work. The only known Petrus Anfusi, or Alphonsi, is the author of the *Disciplina clericalis* and the *Dialogi cum Iudeo*, who was baptized at Huesca in 1106 with the name of his godfather, Alphonso I of Aragon.¹⁵ Nothing is known of his biography save that he was then in his forty-fourth year, the common assertion that he died in 1110 being based apparently upon a misunderstanding of Oudin.¹⁶ There is no reason why he may not have journeyed to England, and as a matter of fact we find in a Cambridge manuscript of the *Disciplina clericalis* this heading, in language exactly parallel to the passage in the astronomical treatise: *Dixit Petrus Amphulsus servus Christi Ihesu Henrici primi regis Anglorum medicus compositor huius libri*.¹⁷ The statement that Peter was Henry I's physician I have not found corroborated, but it fits in chronologically with the dates in the astronomical writings, and while there is no necessary connexion between their author and the author of the *Disciplina clericalis*, it is more natural to assume identity than to suppose that there were at the same time two converted Spanish Jews of this name, both occupied with translation from the Arabic. In any case it is to a Petrus Alphonsi that we must ascribe a certain share in the introduction of the Arabic astronomy into England.

Whatever further investigation may discover in the way of predecessors or collaborators, the work of Adelard of Bath remains comprehensive and fundamental, alike with reference to geometry, astronomy, astrology, philosophy, and his advocacy of the experimental method, but it yields few specific dates.¹⁸ We know that his version of the Khorasmian tables dates from 1126 and that he was in England in 1130 and probably well on into the reign of Stephen; but his earlier life was spent chiefly on the Continent and in the East, and we cannot say when the results of his labours first reached England or affected English learning.

Adelard's younger contemporary, variously known as Robert

¹⁵ Antonio, *Bibliotheca Hispana vetus*, ii. 10 f.; Oudin, *De Scriptoribus Ecclesiae*, ii. 992; Migne, *Patrol. Lat.* clvii. 527-706.

¹⁶ Who says merely, 'Claruit circa annum 1110'.

¹⁷ University of Cambridge, MS. Ii. vi. 11, f. 95. Cf. *Catalogue of MSS.*, iii. 508; Bernard, *Catalogi*, ii. 390, no. 65 (Moore MSS.); Tanner, *Bibliotheca*, p. 40. The latest editors of the *Disciplina clericalis*, Hilka and Söderhjelm, in *Acta Societatis Fennicae* (1911), xxxviii, no. 4, pp. xi, xix, who are unacquainted with the astronomical evidence, consider the statement due to a confusion with some one else.

¹⁸ *Ante*, xxvi. 491-8; xxviii. 515 f.

of Ketene, Robertus Retinensis, and Robert of Chester,¹⁹ is likewise of interest for the history of Arabic learning in England. An Englishman by birth, his life is unknown to us until 1141, when, already familiar with Arabic and engaged in the pursuit of astrology, he and his associate, Hermann the Dalmatian, were discovered in the region of the Ebro by Peter the Venerable, abbot of Cluny, who engaged them upon a translation of the Koran and upon various controversial pamphlets directed against Mohammedanism. The version of the Koran was completed in 1143, when Peter tells us that Robert had become archdeacon of Pamplona,²⁰ and when the dedication of Hermann's *De essentiis* celebrates the reunion of the two friends;²¹ but the assumption of the older bibliographers that Robert spent the rest of his life in Navarre disappears if we admit the probability of his identity with Robert of Chester, who is found at Segovia in 1145 and in London in 1147 and 1150. The preface to the Koran tells us,²² what we also learn from his other works and from the prefaces of Hermann the Dalmatian,²³ that Robert's real interest lay in the study of geometry and astronomy, which he had interrupted for this undertaking, and that his chief ambition was to produce a comprehensive treatise on astronomy. In the field of mathematics and natural science he has left the following works :

1. A translation of the *Iudicia* of al-Kindi. See Steinschneider, *Europäische Uebersetzungen*, p. 66; and for other manuscripts, Nagy, in *Rendiconti dei Lincei*, 5th series, iv. 160 f. This has been attributed to another Robert, because of the date 1272 which has

¹⁹ On Robert, see Steinschneider, *Die europäischen Uebersetzungen aus dem Arabischen*, in *Sitzungsberichte* of the Vienna Academy, clix. 67-73, whose results have been employed, with some use of English manuscripts, by Archer, in the *Dictionary of National Biography*, xlviii. 362-4. The form 'Retinensis', which has led some writers to surmise a connexion with Reading, is not sufficiently supported by the manuscripts, 'Ketenensis' being found in most of the copies of the translation of the Koran and in the preface of Hermann the Dalmatian to his translation of the *Planisphere* (Heiberg, *Ptolemaei Opera astronomica minora*, p. clxxxvi), while the Cotton MS. of the *Iudicia* has 'de Ketene'. The place is probably to be identified with Ketton (in Rutland), which appears as Ketene in charters of the twelfth century: Round, *Calendar of Documents in France*, nos. 530, 532; *Index of Charters and Rolls in the British Museum*, i, s.v. The later works (nos. 2-6) have regularly 'Robertus Cestrensis', who has sometimes been treated as a different person. The coincidence, however, of time, subjects, English birth, and residence in Spain, tells strongly against the assumption of two distinct Roberts, although the connexion with Chester still remains to be explained.

²⁰ Migne, clxxxix. 650.

²¹ Dated at Béziers 1143 and subsequent to 1 June, the date of the *Planisphere*, which refers to it as unfinished. Two manuscripts are known, one of the twelfth century in the Biblioteca Nazionale at Naples, MS. C.VIII. 50, ff. 58-80, and one of the fifteenth century in Corpus Christi College, Oxford, MS. 243, ff. 91-115^v. The preface will be printed in an article on Hermann which I have in preparation.

²² Migne, clxxxix. 659.

²³ Preface to the *De essentiis*, *supra*, n. 21; preface to the *Introductorium* of Abu Ma'aschar, in Steinschneider, *Hebräische Uebersetzungen*, p. 568 f.; preface to translation of the *Planisphere*, in Heiberg, *Ptolemaei Opera astronomica minora*, p. clxxxvi f.

slipped into certain manuscripts, probably from the date of a copy, but the authorship of Robert is formally asserted in the Cotton MS. App. VI, and is clear from the preface which is there addressed to Hermann.²⁴

*Incipiunt iudicia Alkindi astrologi Rodberti de Ketene translatio.*²⁵

Quamquam post Euclidem Theodosii cosmometrie libroque proportionum²⁶ libencius insudarem, unde commodior ad almaiesti quo precipuum nostrum aspirat studium pateret accessus, tamen ne per meam significem nostra surdesceret amicitia, vestris nutibus nil preter equum postulantibus, mi Hermanne, nulli Latinorum huius nostri temporis astronomico sedere²⁷ penitus parere paratus, eum quem commodissimum et veracissimum inter astrologos indicem vestra quam sepe notavit diligentia voto vestro serviens transtuli, non minus amicitie quam pericie facultatibus innisus. In quo tum vobis tum ceteris huius scientie studiosis placere plurimum studens, enodato verborum vultu rerum seriem et effectum atque summam stellarium effectuum pronosticationisque quorumlibet eventuum latine brevitati diligenter inclusi. Cuius examen vestram manum postremo postulans non indigne vobis laudis meritum, si quod assit, communiter autem fructus pariat mihi que non segne res arduas aggrediendi calcar adhibeat, si nostri laboris munus amplexu favoris elucescat. Sed ne proemium lectori tedium lectionique moram faciat vel afferat, illius prolixitate supersedendo rem propositam secundum nature tramitem a toto generalique natis exordiis texamus, prius tamen libri tocus capitulis enumeratis ad rerum evidenciam suorumque locorum repertum facilem.

2. A translation of Morienus, *De compositione alchemie*, completed 11 February 1144 (era 1182). See Steinschneider, *loc. cit.*, pp. 69–72. The Basel edition of 1559 contains the preface; there is an English version in the British Museum, Sloane MS. 3697. Robert may also have had something to do with a version of the *Mappe clavicula*: Steinschneider, p. 72.

3. A translation of the *Algebra* of al-Khuwarizmi, dated Segovia, 1145 (era 1183). The first Latin version of this fundamental treatise. See Karpinski, *Robert of Chester's Translation of the Algebra of al-Khowarizmi*, in *Bibliotheca Mathematica*, 3rd series, xi. 125–31, and his forthcoming edition of the text, to be published by the university of Michigan.

²⁴ f. 109 (156).

²⁵ The heading is from the Cotton MS. App. VI, f. 109 (156), which contains a corrupt form of the text, here printed from Ashmole MS. 369, f. 85. The *Dictionary of National Biography*, under 'Robert the Englishman', is in error in inferring from the tract of Abu Hali, which follows in the Cotton MS., a connexion between Robert and Plato of Tivoli.

²⁶ On the basis of this passage Steinschneider, p. 66, assigns to Robert, whom he makes a distinct Robertus Anglicus, an anonymous *Liber proportionum* found in several manuscripts.

²⁷ sedem?

4. A treatise on the astrolabe, dated London 1147 (era 1185). See Steinschneider, p. 72 f., and in *Zeitschrift für Mathematik und Physik*, xvi. 393. There are differences in the various manuscripts (e.g. Digby MS. 40, which has the date and place, but a different *incipit*, and no mention of Robert), and there was evidently a revision after 1150, as the tables of that year are cited (see the next paragraph).²⁸

5. A set of astronomical tables for the meridian of London in 1150, based upon the tables of al-Battâni and probably adapted from a translation of the *Opus astronomicum* by Robert, to which Hermann the Dalmatian refers in 1143, but which is otherwise unknown. See Steinschneider, *Europäische Uebersetzungen*, p. 68 f.; Nallino, *Al-Battâni sive Albateni Opus astronomicum*, in *Publicazioni del R. Osservatorio di Brera in Milano* (1903), xl, pp. xxxiv f., xlix f. The London tables formed the second part of a work of which the first part was calculated for the year 1149²⁹ and the meridian of Toledo. Both are cited in Robert's Treatise on the Astrolabe :³⁰

De ratione coequationis .xii. domorum in libro canonum quem super Toletum et civitatem Londoniarum edidimus, prout tractatus exposcebat ratio, tractavimus.

6. A revision, likewise for the meridian of London, of Adelard's version of the tables of al-Khuwarizmi. Madrid, Biblioteca Nacional, MS. 10016, f. 8 : *Incipit liber Ezeig id est chanonum Alghoarizmi per Adelardum Bathoniensem ex arabico sumptus et per Rodbertum Cestrensem ordine digestus. f. 14 : He autem adiectiones omnes iuxta civitatem Londonie in hoc libro computantur et mediis cursibus planetarum adiciuntur.*³¹ In such parts of the two manuscripts as I have been able to compare, it appears that there are numerous differences from Adelard's version of 1126 as preserved in the Bodleian MS. Auct. F. 1. 9, where the tables are based upon Cordova, and where various Arabic words are retained which the later text omits or turns into Latin. The text of the Madrid MS. corresponds in general with that of the

²⁸ The Ambrosian MS. H. 109 sup., to which reference has been made on the authority of Muratori, has (f. 11) clearly 'Robertum Cestrensem'; the treatise is followed on f. 17^v by an anonymous *Canon super chilindrum*, beginning, *Accepturus horas.*

²⁹ Not 1169, as is generally stated on the basis of Ashmole MS. 361, f. 24 (*Black Catalogue*, col. 277). The correct statement is found in Savile MS. 21, f. 88^v: *Ea namque eius pars que ad meridiem civitatis Toleti constituitur a .1149. anno domini incipit et ab eodem termino annos domini per .28. colligens lineas annorum collectorum in mediis planetarum cursibus in tempus futurum extendit, altera vero eius pars cuius videlicet ratio ad meridiem urbis Londoniarum contextitur ab anno domini .1150. sumpsit exordium.*

³⁰ Canonici MS. Misc. 61, f. 22^v.

³¹ On this manuscript, which is of English origin, see the following note.

Chartres MS. 214 and of the extracts in MS. 3642 of the Bibliothèque Mazarine. The publication of the trigonometrical portion of these tables, postponed by the death of Björnbo, has now been undertaken by Professor Suter of Zürich.

How far Robert's labours were carried in the works of Euclid, Theodosius, and Ptolemy, we cannot say, for we have only his statement in the preface to al-Kindi, but in his work upon the tables of al-Battâni and al-Khuwarizmi he continued worthily the tradition of Adelard of Bath, and in the field of algebra he broke new ground for Latin Europe.

The Madrid MS.³² which preserves Robert's revision of the Khorasmian tables also contains various tables for the meridian of Hereford, which are obviously the work of another English astronomer of the twelfth century, Roger of Hereford.³³ We have from him the following :

1. *Compotus*, in five books, comprising in all twenty-six chapters. Digby MS. 40, ff. 21–50 v; cf. Maeray, *Catalogue*, col. 37. The author criticizes the errors of Gerland and the Latin computists generally, and compares their reckoning with that of the Hebrews and Chaldeans. In the preface, the beginning of which is printed by Wright, *Biographia Literaria*, p. 90 f., he says that although still 'iuvenis' he has given many years to the 'regimen scholarum'. The date of the work is exactly given (f. 48): Ut exempli gratia circa tempus huius compositionis huius tractatus anno scilicet domini .m.c.lxx.vi^o cicli decemnovenalis .xviii. que in vulgari compoto dicitur accensa .v^a. feria anni illius nona die septembris.³⁴ The author is not specifically named in the body of the treatise, but appears in the acrostic of the table of chapters, GILLEBERTO ROGERUS SALUTES H[IC ?] D[ICIT ?], where Gilbert is probably Gilbert Foliot, who had

³² The manuscript, no. 10016, containing 85 leaves, is of the early thirteenth century. It belonged originally to an English Cluniac monastery, as appears from the calendar on ff. 5–7^v in the same hand as certain of the tables, but had reached Spain by 1439, when a Spanish notary, Juan de Ornos, began to use the margins for family memoranda; until 1870 it was in the cathedral library at Toledo. Ff. 1^r–2 contain astronomical diagrams with astrological notes. F. 2^v, explanation of calculation of eclipses. F. 3, spera de morte vel vita. F. 4, tabula eclipsis tam solis quam lune. F. 4^v, Easter cycle, beginning 1063. Ff. 5–7, calendar. Ff. 8–72^v, Liber Ezeig. Ff. 73–83^v, with heading 'Herefordie', tabule medii motus solis super mediam noctem Herefordie secundum annos domini, the cycles beginning 1120, 1148, 1176, &c., followed by tables for the moon and planets. F. 84, scienciam latitudinum quinque planetarum erraticorum. F. 85, in same hand as f. 4, ortus signorum super Hereford' latitudo .li. gr. et .xxx. minutorum, longitudo .xxiii. grad. F. 85^v, letter of Petosiris to Necho (cf. *Philologus*, suppl. vi. 382).

³³ Roger has been a source of confusion to bibliographers, who have made of him two or even three distinct persons. See Bale's *Index*, ed. Poole and M. Bateson, p. 401 f.; Tanner, pp. 641, 788; Wright, *Biographia Literaria*, ii. 89–91, 218 f.; *Dict. of Nat. Progr.*, xlix. 106 f.

³⁴ Cf. f. 49^v, printed by Dr. Maeray, who, however, misreads mclxxvi as mclxxvii by mistaking the final punctuation for a unit.

been bishop of Hereford till 1163, and one of whose documents is attested in 1173-4 by Rogerus de Herefordia.³⁵ The heading in the manuscript reads, 'Prefatio magistri Rogeri Infantis in compotum', whence the treatise has been assigned to an otherwise unknown Roger Infans, or, as Leland called him, Yonge, to whom Wright, followed by the *Dictionary of National Biography*, gave the date 1124, which is found on f. 50 and indicated in a marginal gloss as the date of the work. This year, however, is used only in the course of a calculation of discrepancies, and the date 1176 appears clearly in two other passages. Inasmuch as the astronomical tables of Roger of Hereford belong to 1178 and no other contemporary astronomer of the name is known, we are justified in assigning the *Compotus* to him. The 'Infantis' of the title may be a corruption of 'h'efort', or, more probably, an inference from the 'iuvenis' of the preface.

2. Astronomical tables for the meridian of Hereford in 1178, based upon tables for Toledo and Marseilles. Madrid, MS. 10016, ff. 4, 73-83 v, 85; British Museum, Arundel MS. 377, ff. 86 v-87: *Anni collecti omnium planetarum compositi a magistro Rogero super annos domini ad median noctem Herefordie anno ab incarnatione domini .m^o.c^o.lxx^o.viii^o. post eclipsim que contigit Hereford eodem anno (13 September)*. There is only one page of tables under Roger's name in the Arundel MS., but he is probably the author of those which precede (ff. 77-85), and which are calculated for the meridian of Toledo and the year 1176.

3. *Theorica planetarum*. An explanation in thirty-two chapters of the use of astronomical tables: *Diversi (al. Universi) astrologi secundum diversos annos tabulas et computaciones faciunt . . . per modum foraminis rotundi*. Bodley MS. 300 (Bernard, no. 2474), ff. 1-19 v; Digby MS. 168, ff. 69 v-83 v; Savile MS. 21, f. 42 (37), where it is attributed to Robert of Northampton. The treatise refers to 'tabulae ad Londonias factas'. There was a copy at Peterhouse in 1418 (James, *Catalogue*, p. 15), and according to Bale and Leland one at Clare College (James, *Catalogue*, pp. vii, viii).

4. *Tractatus de ortu et occasione signorum*. *Orizon rectus est circulus magnus . . . maiora erit ut poterit apparere*. Bodley MS. 300, ff. 84-90. According to Bale's *Index*, p. 402, there was formerly a copy at Clare College.

5. One or more astrological works: *Liber de quatuor partibus iudiciorum astronomie*. *Quoniam circa tria sit omnis astronomica consideratio . . . si non respiciens tertia*. Bibliothèque Nationale, MS. Lat. 7434, ff. 76-9; Limoges, MS. 9, ff. 124 v-28 v; Dijon, MS. 270, ff. 172 v-80. A treatise beginning, 'Quoniam regulas astronomie', seems to be part of the same work; Digby MS. 149,

³⁵ *Epistolae*, no. 210 (Migne, exc. 913).

f. 189 (cf. Macray, *Catalogue*, col. 149); Selden MS. supra 76, f. 3 (Bernard, no. 3464); MS. e Musaeo 181 (Bernard, no. 3556); University of Cambridge, MS. Gg. vi. 3, f. 139; Trinity College, Dublin, MS. 369; Berlin, Königliche Bibliothek, MS. 964 (Rose, *Verzeichnis*, ii. 1210); Erfurt, MS. O. 84, ff. 39–52. Brief extracts in Digby MS. 57, f. 145; Ashmole MS. 369, f. 32; Laud MS. Misc. 594, f. 136. The *Iudicia Herefordensis* in Ashmole MS. 192 consists probably of extracts from this work (cf. also James, *Ancient Libraries of Canterbury and Dover*, p. 322, no. 1135); but Royal MS. 12 F. 17 of the British Museum, catalogued as ‘Herefordensis iudicia’, is really the treatise of Haly, *De iudiciis*. There is also an astrology in four books in MS. 10271 of the Bibliothèque Nationale, ff. 179–203^v: *Liber de divisione astronomie atque de eius quatuor partibus compositus per dominum* (MS. datum) *Rogerium Herfort astrologum*, beginning, ‘Quoniam principium huic arti dignum duximus’. The copy is ‘extractus ex codice antiquo scripto in Tholeto in anno .1247. per me Arnaldum de Bruxella Neapoli die 29 Ianuarii .1476.’

6. *De rebus metallicis*. Seen by Leland at Peterhouse (Tanner, p. 641), but not since identified; *Expositiones Alphidii* are also cited by Tanner.

Roger of Hereford, accordingly, was a teacher and writer on astronomical and astrological subjects, who was still a young man in 1176, and who, two years later, adapted astronomical tables of Arabic origin to the use of Hereford. How much longer his activity continued we cannot say, unless he is the Roger, clerk of Hereford, who acted as itinerant justice with Walter Map in 1185,³⁶ nor do we know whether he travelled in Spain or what were his relations with Robert of Chester.

In the case of Roger’s contemporary, Daniel of Morley, the dependence upon the schools of Spain is clearly indicated.³⁷ Finding Paris dominated by law and pretentious ignorance, he hastened, he tells us, to Toledo, as the most famous centre of Arabic science, in order to hear the wiser philosophers of the world. One of his masters there was Gerard of Cremona, the indefatigable translator of the later twelfth century, who had been drawn to Spain by the love of that which he could not find among the Latins, Ptolemy’s *Almagest*; and it is likely that the *pretiosa multitudo librorum* with which Daniel returned to England

³⁶ Pipe Roll, 31 Henry II, p. 146. A Roger, vice-dean of Hereford, was the owner of three manuscripts of the twelfth century (MSS. 66, 105, 106) in the library of Jesus College, Oxford: Coxe, *Catalogus*, pp. 23, 35.

³⁷ The fundamental study on Daniel is that of Rose, *Ptolemäus und die Schule von Toledo*, in *Hermes*, viii. 327–49 (1874), who prints the introduction and conclusion of his *Philosophia*, with a brief analysis, from Arundel MS. 377. Briefer extracts are given by Wright, *Biographia Literaria*, ii. 227–30; and by Dr. Holland, in *Oxford Hist. Soc., Collectanea*, ii. 171 f.

included certain of the mathematical and astronomical treatises which Gerard had turned into Latin.³⁸ Certainly the *Philosophia*, or *Liber de naturis inferiorum et superiorum*, our sole source of information respecting Daniel, was written to explain the teaching of Toledo to Bishop John of Norwich (1175–1200); its astronomical chapters are based upon al-Fargani and other Arabic authorities, although its philosophy is still tinged by the *Timaeus* and its astrology by Firmicus Maternus. Could we but follow them, there were doubtless other Englishmen who frequented the schools of Spain in this period, and other learned Jews who visited England. We find, for example, a William Stafford, archdeacon of Madrid, attesting a Toledo charter of 1154,³⁹ and the much-travelled mathematician and astrologer, Abraham ibn Ezra, a native of Toledo, spending some time in London in 1158–9.⁴⁰ The diffusion of the Arabic astrology is well illustrated by the predictions for the year 1186, which occupy considerable space in the English chroniclers, William the astrologer, clerk of the constable of Chester, being specifically named as one of the authors.⁴¹

The natural philosophy and metaphysics of Aristotle, cited in part but not utilized by Alexander Neckam, first come to their own in England in the writings of Alfred of 'Sereshel' or Alfred the Englishman, a contemporary of Roger of Hereford, to whom he dedicates his version of the Pseudo-Aristotelian treatise *De vegetabilibus*.⁴² In the accompanying commentary he cites the *De anima*, the *De generatione et corruptione*, and a *Liber de congelatis* which he had translated from the Arabic as an appendix of three chapters to the *Meteorologica*. A still wider acquaintance with Aristotle appears in a subsequent work, the *De motu cordis*, where he refers to the *Physics*, *Metaphysics*, and *Nicomachean Ethics*,⁴³

³⁸ On Gerard's translations see Boncompagni, in *Atti dei Lincei*, iv (1851); Wüstenfeld, in *Abhandlungen* of the Göttingen Academy, xxii. 55–81; Steinschneider, *Europäische Uebersetzungen*, pp. 16–32; cf. Bonilla y San Martin, *Historia de la Filosofia española*, i. 359–65. A revised list of the versions of astronomical works is given by Björnbo, *Alkindi, Tideus, und Pseudo-Euklid* (*Abhandlungen zur Geschichte der mathematischen Wissenschaften*, xxvi), p. 137 f.

³⁹ Printed by Fita, in *Boletín de la Academia de Historia*, viii. 63 (1886); cf. Bonilla San Martin, i. 367.

⁴⁰ Steinschneider, in *Zeitschrift für Mathematik und Physik*, xxv. 57–128; Jacobs, *Jews of Angevin England*, pp. 29–38.

⁴¹ Roger of Hoveden, ii. 290–8; Benedict of Peterborough, i. 324–8.

⁴² Jourdain, *Recherches critiques sur les traductions latines d'Aristote* (Paris, 1843), pp. 106, 430. A copy in the library of the University of Barcelona (MS. 7–2–6) reads: *Incipit liber de plantis quem Alveredus de arabico transtulit in latinum mittens ipsum magistro Rogero de Herfodia.*

⁴³ Baumker, *Die Stellung des Alfred von Sareshel (Alfredus Anglicus) und seiner Schrift De motu cordis in der Wissenschaft des beginnenden XIII. Jahrhunderts*, in *Munich Sitzungsberichte*, 1913, no. 9, especially pp. 33–48. Extracts from the *De motu cordis* were published by Barach (Innsbruck, 1878), and it is discussed by Hauréau in *Mémoires de l'Académie des Inscriptions*, xxviii. 2, pp. 317–34.

and in a lost commentary on the *Parva Naturalia*.⁴⁴ Being dedicated to Neckam, the *De motu cordis* cannot be later than his death in 1217, and as Neckam himself seems to have been acquainted several years earlier with the *Metaphysics*, *De anima*, and *De generatione et corruptione*,⁴⁵ it may go back to the beginning of the century. Even if we assign the latest possible limit to the treatise, it shows a wealth of Aristotelian citation such as we cannot find in any other Latin author of its time,⁴⁶ and its philosophy, based partly upon western Platonism and partly upon the older Arabic tradition, is singularly free from theological prepossessions. While Alfred's knowledge of Aristotle was derived in part from versions made from the Greek,⁴⁷ we know from Roger Bacon and from internal evidence that he visited Spain,⁴⁸ and he must be placed in the series of intermediaries between Arabic and western learning. With him, however, the movement passes from its mathematical and astronomical phase to that which occupied itself primarily with natural philosophy and metaphysics, and we are thus brought into the philosophical currents of the thirteenth century.

CHARLES H. HASKINS.

The Taxes upon Movables of the Reign of Edward III

THE appended table of the taxes upon personal property of the reign of Edward III is illustrative but not complete. After the first two subsidies, those of 1327 and 1332, had been assessed and collected, the system which had been developing for over a century was changed. The subsidy of 1334, with its special methods of assessment, marks the transition from the old to the new. After that date the charges against the various communities were standardized; in theory the amount paid by the communities of the boroughs, cities, and townships towards a subsidy was, after 1334, the same as was paid in that year. A table of

⁴⁴ The library of Beauvais cathedral possessed in the seventeenth century 'Alfredus Anglieus in Aristotelem de mundo et celo, de generatione et corruptione, de anima, de somno et vigilantia, de morte et vita, de colore celi': Omont, *Recherches sur la bibliothèque de l'église cathédrale de Beauvais*, from the *Mémoires de l'Académie des Inscriptions*, xl (Paris, 1914), p. 48, no. 143. The other treatises attributed to Alfred by the older bibliographers (Tanner, p. 37 f.) have not been confirmed by recent studies. Steinschneider, *Europäische Uebersetzungen*, pp. 4, 7, does not identify the translator of the appendix to the *Meteorologica*, whom he calls, after certain manuscripts, Aurelius.

⁴⁵ Haskins, *A List of Text-books from the close of the Twelfth Century*, in *Harvard Studies in Classical Philology*, xx. 85-7, 92 (1909).

⁴⁶ Baeumker, p. 33.

⁴⁷ *Id.*, pp. 36-41.

⁴⁸ *Opus Maius*, ed. Bridges, i. 67; *Compendium Studii*, ed. Brewer, p. 471; Baeumker, p. 23.

all the taxes upon movables levied after that date would, therefore, only show the variations, never large, from the normal fixed charge. I give as a specimen the returns for only one of the later subsidies, that of the first year of the triennial grant of 1352, but I do not include in this table the returns from the wool subsidies or from the ninth of corn, wool, and lambs, together with the accompanying taxes, which, though they may be regarded as taxes upon movables, were too unusual in character to be here considered.

The methods of assessing and collecting the taxes upon movables were altered in consequence of the corrupt practices alleged to have been used in levying the subsidy granted in 1332.¹ In order to prevent as far as possible such irregularities several expedients were adopted in 1334.² Two persons, one an ecclesiastic, usually an abbot or prior, and the other a layman, who was commonly a crown official, were directed to take charge of the assessment and collection. These commissioners were ordered to treat with the communities of the cities and boroughs and with the men of the townships and the tenants on ancient demesne, and to agree with them upon the sum to be paid to the king for the fifteenth and tenth. If the local people failed to come to terms, the head taxers and collectors, with a clerk to be chosen by them, were to make the assessment. The results of these agreements or special assessments of 1334 constituted, in theory at least, the amount that each unit of taxation was to pay for the future whenever a subsidy was levied.

During the remainder of the reign of Edward III there were twenty subsidies, of the type mentioned, levied upon the nation. When a subsidy was granted for two or three years it has been counted as two or three subsidies, for this was the effect of such grants. When the first, that of March 1336, was granted, the writs sent to the commissions of assessors and collectors directed them to take from each city, borough, and township the amount that had been levied upon it in 1334.³ The same procedure was followed in later years, the tax in every case being the amount of the subsidy next preceding.

From this system it followed that, though the taxes were called fifteenths and tenths, those figures no longer had any

¹ *Calendar of Patent Rolls, 1334-8*, p. 38. Compare my paper in the *Transactions of the Royal Historical Society*, 3rd ser., vii. 186-8, for cases of proved corrupt practice during the fourteenth century.

² The writs are printed in full in *Rotuli Parliamentorum*, ii. 447-8, and the names of the assessors and collectors in the *Calendar of Patent Rolls, 1334-8*, pp. 38-40.

³ *Fine Roll*, no. 136 (10 Edward III), m. 17. The clause reads 'assignaverimus vos ad petendam et recipiendam de singulis Civitatibus Burgis et villis in comitatu Cantabrigie tam infra libertates quam extra tantam pecunie summam quantum nobis in tunc ultima concessione decime et quinte decime earundem solverunt', &c.

significance. The grant of a fifteenth and tenth meant the grant of a fixed sum of money, about £38,000—the amount levied in 1334 with the addition of the quota of Cumberland, Northumberland, and Westmorland, which were at that time excused because of their poverty. The fact that the total amount from the township was fixed tended to develop a settled apportionment of that sum among the lesser permanent divisions within its boundaries. The bailiffs of the manor of Cuxham after 1337 paid 32 shillings for the demesne farm whenever a subsidy was levied.⁴ In other cases the same tendency is seen to have been at work.⁵ Another result of the new system was the necessity of reassessment when devastation or other causes made it impossible for the inhabitants to pay the fixed amount. Such reassessments were frequently made.⁶ When this was done the people of course tried to keep this reduced valuation, even though they had recovered from their losses, whereas the collectors of the subsidies, on behalf of the government, naturally wished to restore the older assessment. Several instances of such struggles are recorded, and the government usually won.⁷

In the following tables no account is taken of exemptions from taxes, of failures to pay, or of deductions made on account of the expenses allowed the collectors by the government. The amounts recorded are the charges assessed against the counties or boroughs and not the amount received by the treasury.⁸ Because of the ravages of the Black Death the king in three instances reduced the amount payable, but by judicious management avoided the danger of lessening the amount that the government was to receive. In 1349 it was directed that the wages received by labourers in excess of the legal wages fixed that year should be levied upon and applied in aid of the subsidy.⁹ In 1352 the king ordered that the fines, ameracements, and other issues arising from infractions of the Statute of Labourers should be used to alleviate the burden of the triennial fifteenth and tenth upon the nation.¹⁰ In both these cases, whereas the exchequer received the full amount of the subsidies, the taxes paid in various districts

⁴ Merton College Muniments, nos. 5863, 5864, 5865, 5870, 5871, 5872, 5875, &c.

⁵ *Cal. of Patent Rolls*, 1345–8, p. 466, the case of a hamlet. See also *Rot. Parl.*, ii. 189a, for a similar instance.

⁶ See, for example, *Cal. of Close Rolls*, 1337–9, pp. 496, 500, 530, 533; *ibid.* 1339–41, pp. 285, 290.

⁷ The case of Walsoken, Westwalton, and some other townships of Norfolk was long drawn out and is a good illustration of this kind of struggle. See *Cal. of Patent Rolls*, 1345–8, p. 394, and Exchequer Lay Subsidies, 149/13, 238/11, 149/17, 149/31, 149–37 *seqq.*

⁸ Compare my paper *ante*, xxviii. 517.

⁹ A full discussion of this grant and its history may be found in Miss B. H. Putnam, *The Enforcement of the Statutes of Labourers*, pp. 100–6.

¹⁰ *Ibid.* pp. 106 *seqq.*

	1327 ¹			1332 ²					
	a 20th			a 15th			a 10th		
	£	s.	d.	£	s.	d.	£	s.	d.
Bedfordshire	481	16	2 $\frac{3}{4}$	569	2	0 $\frac{3}{4}$	19	11	7
Berkshire	831	10	4 $\frac{3}{4}$	787	12	9 $\frac{3}{4}$	154	7	1 $\frac{3}{4}$
Buckinghamshire	470	5	4 $\frac{1}{4}$	558	13	6	42	11	5 $\frac{1}{2}$
Cambridgeshire	640	6	3 $\frac{3}{4}$	842	7	11 $\frac{1}{2}$	68	14	4 $\frac{1}{2}$
Cornwall	418	4	3	353	17	7	85	16	9
Cumberland . . . . .	...	...	...	432	4	4 $\frac{1}{2}$	106	10	0 $\frac{1}{2}$
Derbyshire	312	9	10 $\frac{3}{4}$	364	12	2 $\frac{1}{2}$	61	14	8
Devonshire	587	7	7	566	18	5	185	18	3 $\frac{1}{2}$
Dorsetshire	611	15	9 $\frac{1}{2}$	670	16	10 $\frac{3}{4}$	100	5	1
Essex	861	10	10 $\frac{1}{2}$	1123	16	5 $\frac{1}{2}$	49	14	11 $\frac{1}{2}$
Gloucestershire	1000	17	4 $\frac{1}{2}$	1123	4	1	367	0	1 $\frac{1}{2}$
Hampshire	844	19	4 $\frac{3}{4}$	877	8	1	229	6	7
Herefordshire	280	19	1 $\frac{3}{4}$	293	15	8 $\frac{1}{2}$	69	18	11 $\frac{1}{2}$
Hertfordshire	435	0	10 $\frac{3}{4}$	550	3	11 $\frac{3}{4}$	22	4	9
Huntingdonshire	280	17	10 $\frac{1}{2}$	362	1	5	45	2	3
Kent	1400	17	1 $\frac{1}{2}$	1610	9	3 $\frac{1}{2}$	206	2	9 $\frac{1}{2}$
Lancashire	162	11	0 $\frac{1}{2}$	287	13	8	11	3	8
Leicestershire	581	12	4 $\frac{1}{2}$	618	6	10 $\frac{1}{2}$	73	12	8
Lincolnshire . . . . .	...	...	...	...	...	...	...	...	...
Holland	474	3	9 $\frac{1}{4}$	617	11	9 $\frac{1}{4}$	**	**	**
Kesteven	654	18	10	813	4	9 $\frac{1}{4}$	34	15	6 $\frac{1}{2}$
Lindsey	955	0	11 $\frac{1}{2}$	1128	18	7 $\frac{1}{4}$	178	18	2 $\frac{1}{4}$
Middlesex	334	4	5	343	8	4	2	1	10
Norfolk	2418	4	0	2894	9	6	278	7	9 $\frac{1}{2}$
Northamptonshire	843	6	11	915	9	6	103	13	0
Northumberland . . . . .	...	...	...	...	...	...	...	...	...
Nottinghamshire	442	15	7 $\frac{3}{4}$	568	9	4	93	5	3 $\frac{1}{2}$
Oxfordshire	1066	1	1	1125	0	5	175	1	1
Rutland	145	8	4	166	16	10 $\frac{3}{4}$	35	6	6
Shropshire	352	5	8 $\frac{1}{2}$	417	1	9 $\frac{3}{4}$	109	18	11 $\frac{3}{4}$
Somerset	867	10	5	1071	10	10 $\frac{3}{4}$	124	11	4
Staffordshire	451	5	5 $\frac{1}{2}$	429	10	1 $\frac{1}{2}$	84	13	0
Suffolk	1082	17	0 $\frac{3}{4}$	1208	2	3	117	7	7
Surrey	500	15	10 $\frac{3}{4}$	471	14	6 $\frac{3}{4}$	86	11	4 $\frac{3}{4}$
Sussex	813	8	1	932	8	5 $\frac{1}{4}$	†	...	...
Warwickshire	667	10	9 $\frac{1}{2}$	711	17	1 $\frac{1}{2}$	73	17	8 $\frac{1}{2}$
Westmorland . . . . .	...	...	...	186	8	5	3	5	5 $\frac{1}{2}$
Wiltshire	1204	3	9 $\frac{1}{2}$	1319	8	5 $\frac{1}{2}$	168	0	0 $\frac{1}{2}$
Worcestershire	357	6	0 $\frac{1}{4}$	379	19	9	61	14	3
Yorkshire . . . . .	...	...	...	...	...	...	...	...	...
East Riding	675	5	10	780	14	3	60	16	9 $\frac{3}{4}$
North Riding	302	1	11 $\frac{3}{4}$	471	8	6 $\frac{3}{4}$	31	10	9
West Riding	518	3	7 $\frac{3}{4}$	548	10	11 $\frac{1}{2}$	18	7	1
Cities—									
Lincoln	51	4	6	...	...	...	...	³	...
London	188	9	5 $\frac{1}{2}$	671	7	5 $\frac{1}{4}$	...	⁴	...
York	78	7	9 $\frac{3}{4}$	...	...	...	161	4	0 $\frac{1}{2}$

¹ Lord Treasurer's Remembrancer, Enrolled Accounts, Subsidies, no. 8, m. 1.² *Ibid.* mm. 2-3.³ Lincoln was accounted for in Lindsey after 1327.⁴ London after 1327 was counted with the rural districts and not with the cities and boroughs. This was due to a grant in the charter of 1327; see Birch, *The Historical Charters and Constitutional Documents of the City of London*, 1887, p. 57.

	1334 ^a						Totals.	1352 ^a a 15th & 10th Totals.				
	a 15th			a 10th				£	s.	d.		
Bedfordshire	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Berkshire	654	18	9½	19	11	7	674	10	4½	674	17	4½
Buckinghamshire	864	18	1	171	5	4½	1036	3	5½	1036	3	9
Cambridgeshire	638	18	8	49	6	8	688	5	4	688	5	4
Cornwall	937	11	8½	73	18	10½	1011	10	6½	1011	10	6½
Cumberland	378	17	5	100	0	4	478	17	9	478	17	9
Derbyshire	407	16	11¼	63	6	5	471	3	4¼	471	3	4¼
Devonshire	712	12	8	241	2	4	953	15	0	953	15	0
Dorsetshire	744	19	5½	106	9	7	851	9	0½	851	9	0½
Essex	1185	17	0½	48	17	7½	1234	14	7½	1234	14	7½
Gloucestershire	1239	1	8	401	18	10	1641	0	6	1642	0	7
Hampshire	1103	6	7½	237	9	8	1340	16	3½	1340	18	5½
Herefordshire	355	18	8	81	7	3	437	5	11	437	5	7
Hertfordshire	588	15	8½	23	16	9	612	12	5½	610	3	6½
Huntingdonshire	394	7	7½	50	0	3	444	7	10½	444	7	10½
Kent	1706	2	7¼	221	3	6	1927	6	1¼	1927	6	11½
Lancashire	362	19	5½	14	10	0	377	9	5½	377	9	5½
Leicestershire	680	5	1½	77	7	9	757	12	10½	757	12	10½
Lincolnshire	665	11	8	**	**	**	665	11	8	665	11	8
Holland	918	2	7¼	39	14	10½	957	17	5½	953	9	4
Kesteven	1324	0	6	204	18	5½	1528	18	11½	1526	2	11½
Lindsey	348	10	1½	2	3	11	350	14	0½	341	19	7¼
Middlesex	3191	0	6	296	4	0	3487	4	7½	3485	16	7
Norfolk	1059	17	7½	101	7	10½	1161	5	6¼	1161	0	6¼
Northamptonshire	607	9	11½	98	12	3½	706	2	3¼	706	2	3¼
Northumberland	1217	2	5	186	6	1	1403	8	6	1403	8	6
Nottinghamshire	178	12	11½	37	5	6½	215	18	6½	215	18	6½
Oxfordshire	518	6	0½	126	5	11¼	644	12	0½	644	12	0½
Rutland	1218	9	0½	139	10	2	1357	19	2½	1357	19	2½
Shropshire	485	16	1¼	92	14	4½	578	10	5½	575	18	3½
Somerset	1306	14	6¼	132	10	6	1439	5	0½	1439	5	0½
Staffordshire	499	18	1	88	0	6½	587	18	7¼	584	5	9½
Suffolk	1027	19	4½	76	8	4	1104	7	8½	1104	7	8½
Surrey	842	18	0¾	†	...	...	842	18	0¾	841	18	0
Sussex	1421	6	1	174	7	6½	1595	13	7½	1595	13	7½
Warwickshire	436	6	8½	65	11	2	501	17	10½	502	17	10½
Westmorland . . . . .	...	...	...	...	...	...	...	...	...	190	15	7¼
Wiltshire . . . . .	...	...	...	...	...	...	...	...	...	1595	13	7½
Worcestershire . . . . .	...	...	...	...	...	...	...	...	...	502	17	10½
Yorkshire	1024	5	8	86	0	4	1110	6	0	1053	13	0
East Riding	570	3	9	46	5	8	616	9	5	616	13	9
North Riding	712	2	4½	26	8	4	738	10	8½	738	10	8½
West Riding . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Cities—	733	6	8	...	...	...	733	6	8	733	6	8
London . . . . .	...	...	...	162	0	0	162	0	0	162	0	0
York . . . . .	...	...	...	...	...	...	...	...	...	133	6	8
Newcastle-on-Tyne . . . . .	...	...	...	...	...	...	...	...	...	...	...	...

^a Lord Treasurer's Remembrancer, Enrolled Accounts, Subsidies, no. 8, mm. 4-5.

^b Reprinted from Miss Putnam, *ubi supra*, appendix, pp. 315-21. I have to thank Miss Putnam for permission to borrow these figures.

^c This is the total which is given and which was accounted for. Either the fifteenth or tenth, therefore, lacks one penny.

were lowered by the amount of the penalties collected. A similar plan was used in 1357 when the king granted the money arising from escapes from prison and the chattels of felons and fugitives in alleviation of the burden of the subsidy of that year.¹¹ In this instance the people seem to have paid the full amount of the tax at first and to have received the above-mentioned money later in the form of a cash rebate.

In explanation of the accompanying tables it may be stated that when the accounting of the enrolment of the subsidy is so faulty as to render useless the separate items of the fifteenths and tenths, their total is placed in one column and an obelus in the other. Whenever it is found that there were no cities or boroughs to contribute to the subsidy, this fact is indicated by asterisks.

Some changes have been made in the figures given in the enrolled accounts of the subsidies in order to make the tables uniform. To the tenth of Gloucestershire in 1332 the contribution of Bristol, £200, has been added, though that borough accounted separately.¹² Bristol's share of the subsidy of 1334 was £220, and that has also been added to the tenth of Gloucestershire.¹³ To the fifteenth of the East Riding of Yorkshire, 1334, £100 has been added for the fee of the archbishop of York in Beverley,¹⁴ and to the fifteenth £31 for Kingston-upon-Hull.¹⁵ To the tenth of the North Riding of Yorkshire £31 13s. 4d. has been added, the share of Scarborough in 1334.¹⁶

JAMES F. WILLARD.

*The Earlier Career of Titus Livius de Frulovisiis*¹

So little is known² of the life of Titus Livius de Frulovisiis, the biographer of Henry V, that some further information about him, derived from a manuscript in the library of St. John's College, Cambridge, has its interest. The manuscript, which is described by Dr. James as no. 60 in his catalogue of the library's manuscripts, is, I believe, the unique and contemporary copy, executed for Titus Livius himself, of seven Latin comedies,³ five of which

¹¹ The first writs are found on Fine Roll, no. 158 (31 Edward III), m. 10.

¹² Under both Gloucestershire and Somerset it is noted that Bristol accounted separately: Lord Treasurer's Remembrancer, Enrolled Accounts, Subsidies, no. 8, m. 2a. See also *Cal. of Patent Rolls, 1330-4*, p. 337.

¹³ *Ibid.* m. 4d.

¹⁴ Lord Treasurer's Remembrancer, Enrolled Accounts, Subsidies, no. 14, m. 20. Compare Exchequer Lay Subsidy, 202/36.

¹⁵ Pipe Roll, no. 180 (9 Edward III), m. 38a, *Adhuc Ebor'*.

¹⁶ Lord Treasurer's Remembrancer, Enrolled Accounts, Subsidies, no. 8, m. 4a.

¹ My thanks for help in writing this note are due to Sir John Sandys, and especially to Professor G. C. Moore-Smith, who kindly collated the text of the prologues.

² See for the facts concerning him Kingsford, *English Historical Literature in the Fifteenth Century*, pp. 50-6, and (less full) *ante*, xxv. 58 ff.

he wrote and had performed at Venice, while the last two, copied in a different handwriting, were composed for a patron, in all probability Humphrey duke of Gloucester. Fortunately the five Venetian plays can be dated with some precision. At the head of each are given, along with the indiction, the names of the doge and the procurators of St. Mark during whose term of office it was performed. The doge in all five is Francesco Foscari (1423-57). The first three plays, *Corallaria*, *Claudi Duo*, and *Emporia*, were acted in Indiction XI; the fourth, *Symmachus*, in Indiction XII; the fifth, *Oratoria*, in Indiction XIII. What years of the Christian era are meant is made clear by the names of the procurators. With one exception the same personages⁴ remain in office throughout—the procuratorship was a life dignity. The exception falls in Indiction XIII (*Oratoria*), when Fantino Michiel gives place to the doge's brother, Marco Foscari. Now Michiel died in November 1434 and was succeeded by Foscari.⁵ Thus *Corallaria*, *Claudi Duo*, and *Emporia* were performed between September 1432 and August 1433, *Symmachus* between September 1433 and August 1434, and *Oratoria* between November 1434 and August 1435. The remaining two, *Peregrinatio* and *Eugenius*, are stated in their prologues to be subsequent in point of time.

These neo-Latin comedies have an interest of their own. They are in prose and bear a general resemblance to the *Philodoxeos* of Leone Battista Alberti, written by him about 1424.⁶ The names of the characters are Greek, with explanatory glosses. Unlike most of their predecessors or near successors, the prologues of the first five prove them to have been publicly acted; and thus the performance of secular plays at Venice is carried back over half a century, and the performance of secular plays about the same date in other Italian cities is made probable.⁷ But in his

³ They are not registered in P. Bahlmann, *Die Erneuerer des antiken Dramas*, or mentioned by Creizenach, *Geschichte des neueren Dramas*. Mr. H. F. Brown kindly informs me that a Venetian bookseller, Signor Cusini, tells him that two printed plays by Tito Livio Forlivense passed through his hands some years ago.

⁴ Lionardo Mocenigo, Jacopo Trevisan, Bertuccio Querino, Antonio Contarini, and Piero Loredan.

⁵ Sanudo, *Vite dei Dogi*, Muratori, *Rerum Ital. Script.*, xxii, 1037.

⁶ *Opere Volgari*, ed. Bonucci, i, cxx-clxvi. For the date of composition, see *ibid.*, p. cxxiii, and Mancini, *Vita di L. B. Alberti*, pp. 29-30.

⁷ In the rubric at the head of each Venetian play it is said: 'Egit NN. Modos fecere NN. et NN. luditibiis.' Of the composers Leonardus Piçolus appears only in the rubric of *Corallaria*; Iohannes Gratus in *Corallaria* and *Claudi Duo*; Iohannes de Mediolano in *Claudi Duo*, *Emporia*, and *Symmachus*; Franciscus Sbardelatus in *Emporia* and *Symmachus*; and Iohannes and Iacobus de Pergamo in *Oratoria*. Hieronymus de Ponte 'egit' *Corallaria* and *Oratoria*; Antonius de Ponte *Emporia*; Symon Floravante *Claudi Duo*; and Paulus Andreae grammaticus *Symmachus*. Apparently, as Dr. Moore-Smith points out to me, they recited the prologues and words of the plays which were acted in dumb-show (cf. T. W. Cunliffe, *Early English*

polemical prologues to them Livius also gives some information concerning himself and their composition, which throws light on his history and character.

He was met at once (*Prolog. Corall.*) by attacks on his style and his plot, which was, his critics said, not borrowed from the Greeks, but stolen from Languscus⁸ (*Prolog. Claudi Duo, Prolog. Orat.* 'Langusci fabula'). The second play, *Claudi Duo*, was also impugned on the ground of 'nova superstitio' (*Prolog. Claudi Duo*). This consisted in the introduction of heathen gods as characters (*ibid.* 'non ornabit Iovem caelesti pompa'). The author was accused to the bishop, who was probably Francesco Malipiero, bishop of Castello (1428-33); and was forced to exchange its representation for a mere recital 'sine mimis'.⁹ *Emporia* had a more comic aim, and Livius was blamed for wasting his pupils' time (*Prolog. Orat.* 'studia adulescentes sua pro ridiculis perdere'). This play, he says, was popular, but when he gave *Symmachus* next year his troubles increased. He was assailed by 'crabrones',¹⁰ and a certain Leo Bestia¹¹ denounced him in 1435 when he

Classical Tragedies, pp. xiv-xix). The performers seem to have been Livius's pupils (*Prolog. Corall.* 'Scitis ab urbe fere condita in hodiernum moris semper fuisse et esse in nostra patria his feriis discipulis praeceptores aliquid ludorum dare. Vero certant hastis qui saltationibus qui Baccho magis sacrificant. Honestior est nobis visus hic ludus scenicus'). *Corallaria*, *Emporia*, and *Symmachus* are said to be acted in the *Ludi Romani*, *Oratoria* in the *Ludi Pergameni*. Since neither festival is mentioned in Molmenti's *Venice*, it is probable that Livius invented decorative names for his entertainments. The Carnival seems the most likely time, as the *Ludi Romani* at Rome, which included mystery plays, took place then. Compare for the carnival at Venice Molmenti, *Venice, Middle Ages*, transl. Brown, i. 216-17.

⁸ This must be Jacopo Langosco, professor at Padua from 1423 to 1431. He was a Venetian of considerable reputation for wit (Lionardo Aretino, *Epistulae*, bk. iv). The abstract of a letter of his to Ambrogio Camaldolese is in Martene and Durand, *Amplius ma Collectio*, iii, c. 726. He is also called Langustus or Langusthus. See Facciolati, *Fasti Gymn. Patau. ab anno universitatis primo ad principum Carrariens. ultimum*, p. liii, and Cardinal Querini, *Ad epistolas F. Barbari Diatriba*, part i, p. clxvii.

⁹ Cf. *Prolog. Orat.* 'Ad antistitem illum accusant novae religionis. Rem purgavit. Mimis tamen uti minus licuit.' Apparently the parts were said by different persons; cf. *Prolog. Claudi Duo* 'Vix impetravimus sine mimis istanc agere posse. Si desunt histriones ornatus supplebit argentum industria et ingenium adulescentum nostrorum discipulorum.'

¹⁰ Perhaps the name of some rival humanist underlies this appellation, e.g. Vespucci (Crabrone = Calabrone = Vespone). It seems that Livius's critics produced a rival work, for he says in *Prolog. Orat.* that after *Claudi Duo*, 'Parant ipsi porro magistrea multis histrionibus digna qui sunt usi fortuna suis ridiculariis.' He refers to the same matter in *Prolog. Empor.* 'Non damus magistrea. Credo miremini quod sic horuerimus. Verum quum memini qua fuerint usi fortuna dirigeo praeformidine. Iustam dabit operam aequanimitate et iusticia vestra prudentiaque ne quid Emporia nostra patiator tale. Non est haec magistrea ubi omnis insit prudentia magistrorum. . . . Dictator nobis ille (T. Livius) est. Non multitudo magistrorum nostra ex quo magistrea nominetur.' It looks as if the rival play was named *Magistrea*, as well as claiming to be a masterpiece (Ital. *maestria*, whence Lat. *magistrea* is coined).

¹¹ Here some humanist must be meant, and I would suggest Leone Battista Alberti. Alberti from 1432 to 1437 was in the service of the Venetian pope, Eugenius IV. In June 1434 the curia left Rome; in August 1435 Alberti was at Florence. In the

produced *Oratoria*. Leo excited the women against him, and the attack seems to have been successful, for he stated in the prologue to *Oratoria* that he would write no more plays.¹²

Livius must have left Venice after the production of *Oratoria*, and his next piece, *Peregrinatio*, was evidently written after he had entered Duke Humphrey of Gloucester's service somewhere about 1436, since he was naturalized in England by Act of Parliament in March 1437. Into this he introduces an English scene and characters, but with nothing local in them. In the prologue he apologizes for writing again in spite of his previous declaration, and points out that, instead of bringing in messengers in order to preserve the unity of place, he has changed the scene. Here he appears as an innovator. The seventh play, *Eugenius*, is interesting for its flattering prologue evidently addressed to the duke, who is, however, not mentioned by name. 'Sed modo,' he says, 'virtute fortunaque principem nacti, doctissimum principem, qui pulcre sapiat quid poetae valent. Nos amat, nos caros habet. Omnia cui debemus corpus operam vitam animam. . . . Legit, legit et intellexit.' He goes on to beg something in return for the fame that, like Virgil, he is going to confer on the duke by his poetry. His wishes are moderate. Virgil received the city of Naples from Augustus. But he only asks 'ne misere vivat, ocium, ocium, securum ocium'. There seem to have been personal allusions intended in the play, as Professor Moore-Smith suggests to me, to judge from some expressions of the prologue, which may bear on the duke's marriage to Eleanor Cobham ('Memoria tamen gaudebis honorum, et in alio quasi per speculum te videbis . . . Audies quid de coniugio faciendum arbitremur, et de nobilitate sententiâs varias simul et de virtute').

Since Livius was already teaching in Venice and knew Greek in 1433, it seems likely that he had been a pupil of Guarino, as he states, earlier than 1431, when the latter settled in Ferrara, although there is nothing to show at which of Guarino's many halting-places Livius studied under him. Two further suggestions may be made. First, in the list of books given by Duke Humphrey to Oxford University in 1443, along with the real Livy's Histories there appears 'Titum Livium de republica'.¹³ Might this be a treatise by our T. Livius? In the second place, a doubt may

interval he may well have made a stay at Venice, where he had relatives and old acquaintance. Cf. Mancini, *Vita di L. B. Alberti*, pp. 100, 141.

¹² *Prolog. Orat.* 'Crabrones quondam metueramus. Quis non horruisset? Musca dicant (sic) an crabro? Imitaturam se mimitarat feram bestiam leonem. Modo Leo alter, Leo in altis blaterat tronis. Sancti qui sunt prophanos poetas nominat. Id persuasum est facile mulierculis. Nos iam fugiunt omnes. . . . Sed mulierculae et Leo Bestia pro scholasticis hominem impugnant. Nescio an pediaia dicam potius. Non magnifunt ista. Quinta fuerit Oratoria quam vobis dabit et ultima.'

¹³ Anstey, *Munimenta Oxon.*, ii. 771.

be raised as to the correct Italian of his name. It is usually rendered Tito Livio da Forlì. But he himself always latinizes it as Titus Livius de Frulovisiis de Ferrara, or as Titus Livius Frulovisius de Ferrara.¹⁴ These forms should normally represent an Italian Tito Livio de' Frulovisi da Ferrara, de' Frulovisi being his family name.¹⁵ In the same way Duke Humphrey's physician is Iohannes de Signorellis de Ferrara,¹⁶ i.e. Giovanni de' Signorelli da Ferrara. It is no wonder, therefore, that the Ferrarese Tito Livio de' Frulovisi should not appear in any list of distinguished Forlivese.

C. W. PREVITÉ ORTON.

*The Antecedents of Quakerism**

IN 1610 Joseph Hall, who was made bishop of Exeter in 1627, published at London a treatise against John Robinson and John Smyth entitled *A Common Apologie of the Chvrch of England*. A similar work in quarto appeared in the same year with the title *A Description of the Chvrch of Christ*. This was directed against John Smyth and his followers, and its author designated by the letters 'I. H.'; whence I inferred in my book on *The Early English Dissenters* that Ioseph Hall wrote both pieces. Recently, however, in Stephen Denison's *White Wolfe*, 1627, I have found¹ definite proof that the initials 'I. H.' upon the title-page of the *Description* do not stand for Joseph Hall, but for Iohn Hetherington, or Etherington. I have also ascertained that Hetherington wrote for Edmond Jessop the book bearing the latter's name and entitled *A Discovery of the Errors of the English Anabaptists*, 1623.

1. The chief importance of John Hetherington's career lies in the fact that it introduces us to an obscure religious movement which is to be observed in England during the latter part of the sixteenth and the first half of the seventeenth centuries. He was born in 1570 or shortly afterwards, for in one place he says:² 'as touching an Epistle to the Church of Rome, I confesse I have seen & read such a Booke, which was published in the yeare 1588. when I was not eighteene yeares of age.' In 1588 he came to London³ and became a potter and contractor on a large

¹⁴ Sometimes also Ferrariensis.

¹⁵ Frulovisi is doubtless represented by the modern Italian surname Forlivesi.

¹⁶ *Cal. Patent Rolls*, 1420-36, p. 294.

* A paper read before the American Society of Church History, New York City, on 31 December, 1912.

¹ Professor Rufus Jones, in his *Studies in Mystical Religion*, refers to the fact that John Etherington published a book in 1610, but does not attempt to identify it.

² *The Defence of John Etherington*, 1641, p. 43.

³ *Ibid.*

scale for 'the conveyance of water in pipes that' he 'made of earth', as well as a box-maker. He seems to have begun the manufacture of earthen water-pipes about 1620, and to have laid them for various people in Westminster, London, 'and other parts of the Kingdome', and then temporarily to have given up that work for the manufacture of boxes. But when, about 1626, he was engaged to furnish 'the City of Westminster with water', he again turned his energies in the direction of his earlier trade. Hetherington, however, had enemies, who accused him before the court of high commission of holding views inimical to the welfare of the Church of England. The prosecutor was Stephen Denison, minister of Katherine Cree Church, London, who was assisted by the depositions of Rowland Tomson, Thomas Rogers, Christopher Nicholson, Peter Worcester, Susan Price, Henry Robrough, Iohn Okey, George Dunne, and one or two others. In the result Hetherington was censured, unheard, by the court on 30 November 1626. He was 'fined five hundred pounds to the King', a large sum for that day, sentenced to pay the cost of the suit, and was 'committed to the new prison there to remaine during the pleasure of the Court, and enjoyned to make a publike recantation in such words as should be set downe by the Court'. The recantation, as appears from the sequel, was to be made after a sermon preached at St. Paul's Cross. Denison obtained permission from the archbishop of Canterbury and the court to preach there on the last Sunday of the next Hilary Term, with Hetherington standing before him during the sermon. Hetherington says :⁴

I was by a Pursuivant and a keeper, the same day, brought to stand there before him, in the view of the people, and being come to the place, they having a Paper contayning the chiefe things of the sentence, Written with large Letters, which I taking in my hand, protested against unto the people, as falsly charg'd upon me, and falsly, by false witnesses, deposed against me. But they, the Pursuivant and keeper laying hold of my armes, took the Paper from me, and pinned it on my brest, and so held me till I intreated them to let my armes loose, and promised that I would not remove it, . . . how maliciously, contemptuously, and falsly, he [Denison] there spake and dealt, (reviling me by the names of) this seducer, this Woolfe Iohn Etherington, that stands heere before you, this Varlet, Hereticke, Familist, . . .

And so, I having stood there before him about the space of three houres, he took forth a Paper wherein the words for my recantation . . . were Written, . . .

Hetherington refused to recant and was taken back to prison, where he wrote an account of his trial and imprisonment, dated 'From the new Prison in Maiden-lane in London, 1627'. To this

⁴ *Ibid.* pp. 47-8.

narrative he added, after his release in 1629, this vehement concluding protest :

I doe now confesse againe, that after all these things I having indured three yeares imprisonment, and having often petitioned to the Court within the same time, . . . I was discharged and released without any kind of justification, either of the Courts proceedings or the witnesses depositions, . . . or acknowledging my selfe guilty of the things wherewith I was charged further then I have declared. The last Court day of *Michaelmas* terme, in the yeare 1629. for if I would but have acknowledged to the Court that I had been judicially convicted, which I could not doe, I might have beene discharged long before.

But notwithstanding this, that I am now at libertie from prison, yet the scandalls and reproaches of my adversaries, remain still all over this Land, and other parts likewise, . . . So that not onely my person, but my name is odious and hatefull to many, my friends, my children, and all that beare my name suffer by this meanes. . . .⁵

Hetherington published this *Defence* of himself in 1641, and in 1642 a supplement to it entitled *The Deeds of Dr. Denison a little more manifested*. In 1644 he appears to have brought out *The Anabaptists Ground-Work for Reformation*, in 1645 *A brief discovery of the blasphemous Doctrine of Familisme*, and finally, during the years 1651-3, to have edited a collected edition of the writings of one 'T. L.', an obscure character, who had lived in Queen Elizabeth's reign, and whose disciple he had been and still was. Hetherington seems to have died between 1651 and 1661.

2. The charges brought against him at the time of his trial included the following :

(1) That he, being a 'Boxmaker', had given up his trade in order to 'instruct many persons, not being of his owne family, in poynts of doctrine and matters of faith'. (One or two of his opinions were declared to be such as were held by the Familists.)

(2) That since 20 December 1623 he had 'maintained and published, that the Sabbath since the Apostles times was of no force, and that every day is a Sabbath, as well as that which wee call the Lords day or Sunday'.

(3) That he held that 'the Bookes of Esdras are and ought to be esteemed part of the Canonicall Scripture'.

(4) That he had affirmed 'that he was as Elyas, left alone, and that he knew none of the visible Church of God but himselfe'.

(5) That he was 'the Author of the Epistle to the Church of Rome'.

In his *Defence*, issued in 1641, Hetherington attempts to prove the falsity of these accusations, and he finds it easy to show that various specific charges were for the most part unjust.

⁵ *The Defence of John Etherington*, 1641, p. 62.

He avers that for 'above these forty yeares' since 1588, he has lived in or near London and until prosecuted by 'Denison and his Sociats' he had never been complained of for any neglect or ill carriage toward the Church, that he had attended the sacraments for nearly twenty years, that he had never been in any 'private Assembly', and that he was neither 'Schismaticke nor Separatist'. He continues, 'there is not a man living that can truly say . . . that I have drawne, or caused any one to Schisme or Separation from the Church of *England*'. On the contrary, he had dissuaded some from 'Schisme, Separation, Anabaptisme, Familisme, and other corrupt opinions and unlawfull practises'.⁶

Indeed, he declares :

Neither have I ever in my life taken upon me, or any way assumed to my selfe, the office, name, or place of a teacher, or instructor over any people in any private conventicle or meeting whatsoever, nor have [done] so much as to imitate Ministers or teachers in any manner of forme, gesture, expounding, or interpreting, or to be as a chiefe leader, or to have proselites or followers, or a company, as they my accusers charge me, but doe utterly dislike all such bold presumptuous practices, and have opposed and reproved them, as some that know me well, and things that I have writ, can witnesse.

Nevertheless, this I confesse, that . . . as God vouchsafed to . . . give me understanding . . . I have endeavoured to impart that which I understood, with admonition to my wife and children, neighbour and friend, . . . though in great weaknesse, and so, as holding it alwayes a speciall poynt of wisdom, to be more ready in this respect to receive, then to give, to heare, then to speake ; . . .⁷

3. Nevertheless, when we critically examine Hetherington's earlier books, we see that there is something very unusual about the views he holds. Denison claimed that Hetherington's first book, *A Description of the Chvrch of Christ*, 1610, the best one from which to obtain an impartial knowledge of his opinions, was filled with errors of Familistical tendency,⁸ though the expression was so figurative as to obscure his exact meaning.⁹ As a fact it is clear that Hetherington, so far from being a Familist, was all his life a vigorous opponent of the Family of Love, but at the same time, although Denison is probably incorrect in some of his interpretations, there is also much truth in his criticism of Hetherington. As we thread the curious mystical passages, we find Hetherington laying emphasis upon 'the true teares of repentance'. This repentance, he says, 'is an vnspeakable sorrow for sinnes, & desire of reconciliation with God, . . . as yeeldeth forth thousands of teares, . . . washing, and baptising it therin, . . .

⁶ pp. 46-7.

⁸ *White Wolfe*, 1627, p. 1.

⁷ See pp. 7-8.

⁹ *Ibid.* p. 2.

And this is to be borne of water, and of the holy Ghost¹⁰—the only baptism apparently in which he placed any faith. Often there is a certain vagueness in Hetherington's style caused by the use of figurative expressions, the exact meaning of which it is not always easy at first to detect, as in the following citation :

But now alacke, where are these litle [repentant] ones become ? . . . And what is the cause they are so seldome seene this day ? One thing is, they are few : Another thing is, they that sought them, mist the way that ledde to their Tents : They sought them vpon the Mountaines, and in the drie places ; but they were in the Valleyes among the water plashes, filling the Lords bottle with Teares : They sought them among the great, but they were of the little ones : They sought them among the learned, and men of great study and long experience, . . . And thus they sought but found not : . . .¹¹

Hetherington's interesting description of the religious controversies of his time as given in this work is worthy of note :¹²

There is a Controuersie this day in the world where Christ should be, whereof he hath also foretold vs, saying : Many shal come in my name, and say, here is Christ and there, but beleeeue them not.

[The Roman Catholic ?]

One saith, I am the first, and I haue beene of olde, I haue kept the faith, and haue not erred to this day.

[The English Churchman ?]

Another saith, Nay thou liest, thou hast lost the faith, and hast erred from the right way, and art become a Cage of vnclene Birds this day : but I haue recouered that thou hast lost, and I haue the right vse of the Word and Sacraments, which thou hast polluted : therefore he [Christ] is here.

[The Brownist, Barrowist, or Separatist ?]

The third comes and saies, Ye are both liers and Harlots, and thou that spake last, for thou art not gouerned by his lawes : he [Christ] is a King, aswell as a Priest and a Prophet, and therefore thou liest also : but he is here with vs, we haue his Ordinances and lawes, and are ruled by them, we haue also the word and the Sacraments in their right kind, and so he is to vs a King, a Priest, and a Prophet.

[The Anabaptist.]

The next stands vp, saying, Who is this that boasteth thus, and reteyneth the baptisme of the Whore ? Must they not needes bee her children, seeing they hold her baptisme sufficient, and refuse to be baptised aright ? What ? Can their baptisme bee good, and their Church and Gouernment nought ? Not possible : wherefore ye are also deceiued, and he [Christ] cannot be in the midst of you as you suppose.

But hee is where Antichrist with all his trash is quite abandoned, where all is reformed, both life and doctrine : And that is here with vs, for we haue cast off all, and haue beganne a new ; we baptise none but men of yeares, and doe make confession of our faith, and are of vpright life : wee haue strooke the right Couenant with him, therefore he is here.

[The Familist.]

Then steppes vp the fift, with a high spirit, controuling al, e[s]pecially the three last, accusing them for wranglers, and blasphemers, (saying) ye

¹⁰ *A Description of the Church of Christ*, 1610, pp. 99-100.

¹¹ *Ibid.* pp. 113-14.

¹² See *ibid.* pp. 114-18.

are all lyers, you are iangling contentious spirits, ye seeke Christ without you, seeke him within you, you good thinking wise-ones, you doe not so much as know what Christ is, nor yet what Antichrist is : you condemne that holy auncient father, the Pope of Rome to bee the Antichrist : the beast and man of sinne, and all the holy orders of their Archpriests, Priests, and offices, of good intentions ; hauing all names of good signification : and all Images, Sacrifices, and Ceremonies, of good information : to bee all blasphem[o]us, Idolatrous and superstitious : and so blaspheme the holy thinges, vsed in the Catholicke Church of Rome. Not knowing, that as God did teach the world, by the orders, Sacrifices and Ceremonies, vsed among the Iewes, tell [*sic*] Christ came in the man Iesus : So it pleased him also, to teach the world, by those Orders, Images, Sacrifices, and Ceremonies, vsed in the Catholique Church of Rome, vntill the Christ came againe, now in the end of the world, according to his promises in his obedient man, *H. N.* by whom hee hath appointed, to iudge the world, according to the Scriptures. . . .

Hetherington's second work, hitherto supposed to have been written by one Edmond Jessop, is also a difficult book to understand thoroughly. In the first place, it is not certain how many of the views here expressed are Jessop's, and how many are Hetherington's, but they seem to be chiefly Hetherington's. We know, furthermore, that the work was approved by the bishop of London, and was evidently examined for him by (Richard?) Crawshaw, and we may, therefore, naturally wonder whether it was published exactly in the form in which it left Hetherington's hands. Denison gives a rather extended description of the work and of the errors he found in it. These latter are not of special importance for our present purpose, and we need here only note what is said in his first paragraph :

The second Booke written by *Hetherington* (as he himselfe saith) is that which was set forth in the name of one *Edmund Iesop*, called the discouery of the errors of the Anabaptists. Wherein by the way, [*sic*] *Iesop* deserues no small rebuke, for whereas at that time he made a shew of turning from the Anabaptists to the Church of *England*, hee turned not to vs but to *Hetheringtons* faction, and conspired with him about the making of this erroneous Booke ; howbeit by his hypocritical seeming to turne, he reaped no small gaine to himselfe, as it is well knowne. . . .¹³

The identification of John Hetherington's name and views has aided in a further identification about which, I think, there can be no reasonable doubt. It has long been known that in 1644 one 'I. E.' published at London a pamphlet entitled

The Anabaptists Ground-Work for Reformation : or, New Planting of Churches, . . . Which was, that they all who gladly received the Word, were baptized, though they had not yet justifying Faith. *Proved by severall*

¹³ *The White Wolfe*, 1627, p. 45.

Arguments. Whereunto one T. L. a principall Baptizer, (and Apostle in their account) hath given his Answers. Unto which Answers, Replies are also made by I. E. And some Arguments annexed, proving, That the Children of all such beleivers as were baptized, and so received into the Church, might be baptized, and received also. With a brief declaration what the true Reformation is, and shal be, farre above these Anabaptists, and all such carnall builders conceits. . . .

Hitherto it has been impossible to suggest any satisfactory identification of 'I. E.' The 'T. L.' here mentioned, however, manifestly stands for Thomas Lambe, the general Anabaptist leader of this period.¹⁴ That I. E. was none other than our John Hetherington now appears to be established. In the first place, this tract was printed by the same 'M. Simmons' of Aldersgate Street, London, who printed Hetherington's later collected edition of the first T. L.'s works. In the second place, various passages in the pamphlet unmistakably reflect the same characteristics which are to be noticed in Hetherington's first publication. Whosoever, he says, 'hath not in his heart the first principles of true repentance, . . . cannot understand those great mysteries of God', which were now 'in this last age' to be fulfilled. He continues :

Then shall shee, the true Church indeed, come clean forth of that wildernesse . . . where shee hath been fed so long, and be farre more visible then now shee is. She will not be divided into so many Sects as now are, . . . having so many severall independent Leaders, as there are independent Sects ; and as many Sects, as every one that will rise to draw Disciples after him, can . . . make. Nay, she shall be as she alwayes hath been in such respects (and is) undivided, though disperst, holding faith and truth without confusion or division ; . . .¹⁵

4. In *The White Wolfe* Denison points out that Hetherington was not the first person to hold his peculiar views :¹⁶

There be moreouer other Books whereby this Sect doe seduce, written by *T. L. Hetheringtons* predecessor ; to wit, First, the Epistle to the Church of *Rome*. Secondly, the tree of regeneration. Thirdly, an Exposition vpon the 11, 12, 13. Chapters of the *Reuelation*. Fourthly, the Key of *David*, and some other.¹⁷

Concerning the Epistle pretended to be written to the Church of *Rome*. It is said in the Preface of it ; that this Booke deserueth as well to be regarded, as the best newes that euer thou hast heard : . . . and I appeale to the consciences of this factious company, whether they haue not in contempt all writings since the Apostles time in comparison of *T. L.* his writings ; yea, whether they doe not equalize them to the very Scripture it selfe, accounting *T. L.* a great Prophet.

¹⁴ He is, of course, not to be confused with the earlier 'T. L.' of Queen Elizabeth's reign ; see above, p. 80, and below, p. 88.

¹⁵ p. 29.

¹⁶ pp. 47-8.

¹⁷ Not all these works are as yet known to me.

. . . The Author saith when hee wrote this Epistle, that he was in *Babylon*, and yet he liued in *England* in Queene *Elizabeths* time, yea hee was so impudent, as to dedicate one of his Bookes to that Queene of famous memory, expressing his name onely by two letters *T. L.* lest the Pursuant should finde him out. I thinke I doe not guesse amisse at his meaning : and what was this, but to call our Church *Babylon*, in the very times of the Gospell. . . .

As for his second Booke called the Tree of Regeneration : the scope of it is as his aime is in the rest of his Bookes. First, to intimate himselfe to be a Prophet, at pag. 2. Secondly, to reuile the publike meetings of the Church or the Congregations, and by this meanes to withdraw men from them, at pag. 18. 19. Thirdly, to reproach the Ministers which come to preferment in the Church by the Fauour of Princes, tearming them the Sonnes of *Beor*, at pag. 26. . . .

About *T. L.* and his writings, *J. W.*, who edited the edition of his works published in 1661, says in his 'Preface to the Reader' : whereas there have been severall Impressions of this Authors Works, formerly published, distinctly and by peices, according as they were found out, and opportunity served : the first Edition of that, *To the Church of Rome*, being in the Authors life time, in the year [15]88. at *Frankford* in *Germany* ; the next at *London*, the year following. And th' Exposition of the II. Chapter of the 4th. of *Ezra*, entituled, *Babylon is fallen*, printed at *London*, in 1610. The Original Copyes whereof are yet preserved, and may be produced, if occasion require, to satisfie any that may question, whether they bear so ancient a date. . . .

2. Concerning the Author, and his abilities, it were enough to say, that those excellent endowments, wherewith he was accomplished, especially those choice and peculiar gifts and graces, which God did conferr upon him, are every where conspicuous, throughout his writings, to the discerning Reader : and do sufficiently demonstrate and testifie his preparation by, and Authority from God, in divine and heavenly things.

3. For the time, wherein he first writ, 'tis evident, it was in the dayes of *Q[.] Eliz.* towards the latter end of her Reign : unto whom he presented the Treatise, entituled, *An Advertisement to Q. Eliz.* with his own hands, in the mean and obscure habit of a humble Shepherd, which employment for some weighty considerations, he willingly underwent.¹⁸

6. And this renowned Author, upon whom God confer'd like Gifts and Graces, as upon the Prophets of old, and rais'd him up in this last age of the world, that he might be a speciall instrument of his Glory, and direction to his Church and people, though he were very learned, was not asham'd of this low and contemptible Calling. For he was, in that estate, instructed of God, prepared and fitted for a more excellent work and employment, to feed the flock of God, to comfort and refresh the Souls of repentant Men and Women. . . .¹⁹

in the Treatise to *Q[.] Eliz.* thus he writeth, *I your Servant cannot but speak the things I know, and testifie what I have seen and heard, what though*

¹⁸ *A Voice out of the Wildernes*, 1661, sig. A 2 recto and verso.

¹⁹ *Ibid.* sig. A 3 verso.

*I be no Minister, nor Son of a Minister ; Shepherds and Clowns have been Divines sometimes, and why not I ?*²⁰

At the close of the collected edition of T. L.'s writings J. W. adds :

Thus you have as many of the writings of this Holy man, as could possibly be found : By which, his great wisdom and understanding in *Divine matters*, may be clearly [*sic*] discerned. He lived (as appears by his Bookes) in the dayes of Queen *Elizabeth*, and was once a student in the University of *Cambridge* ; which afterwards, (rejecting all expectation of preferments in this world) he forsook, and purposely obscured himself, in the mean and low Estate of a *Shepherd* ; . . . that so he might with the greater freedom study the *Scriptures*, and contemplate *Heavenly things*.²¹

The following citation²² will give some idea of T. L.'s prophetic gifts and views. His style, it will be seen, is as scathing and as powerful as Robert Browne's at his best :

There was a man sent from God, his name was *John*, your Fathers ran out in troops to see him, a strange and sour fellow, was not lodg'd like a Prince, nor cloathed like a Courtier, neither wine nor water dranke he, no other drinke but tears, and in his mouth never entered bread.

. . . how chanceth it, that . . . you have not considered that he was appointed from heaven, the Minister of the Baptisme of water ? Doe yee know . . . that he was more then a Prophet, and that among all the sons of women, there was none to be found greater ? because who so is not prepared by him, which was appointed the Minister of the baptisme of water, shall never be purged by his Lord which comes after, who sanctifieth with fire and with the holy Ghost : . . . his Lord in parable calleth him the *Mourner*, . . .

. . . how commeth it to passe, . . . that . . . ye have not considered her [the true church's] tears and her love, preaching and crying so many hundred years, the birth of water of the holy Ghost ? but yee say, when *Elias* commeth he shall restore all ! Murderers, and doe ye indeed lie in wait for another *Elias* ? behold the first came, and had not his God delivered him from your hands by wonder, sending downe his Chariot and Horsemen of fire, ye had slaine him . . . and the second came, . . . and behold . . . his righteous blood shall be found in your Courts, and his holy head in one of your vessells : and doe ye yet more attend a third *Elias*, like to your stiffe reprooved brethren, which walke stinking in your streets to day, gaping the comming of a second Messias ? wherefore thus saith the truth, there shall be no *Elias* come : . . .²³

5. To this account of Hetherington's life and opinions and of the writings of T. L. we may append a few brief inferences. First, Denison appears not to have gone far astray when he places

²⁰ *A Voice out of the Wildernes*, 1661, sig. A 4 recto.

²¹ *Ibid.* p. 77.

²² The original editions of 'T. L.'s' works are almost unknown. My citation is taken from the 1651-3 edition.

²³ *A Voice out of the Wildernes*, 1651-3, pp. 12-13.

Hetherington among his 'mystical Wolues'; but the fact that he was a mystic was not sufficient cause for calling him a follower of 'H. N.' Hence the correctness of Denison's extended list of 'Familistical Wolues' becomes doubtful. The names of the 'Castalian Order', the Grindletonian Familists, the 'Familists of the Mountains', and perhaps those of Caps's order may be in place; but the groups of sectaries who are called by him Familists of the Valleys (whom we may appropriately term Mourners), the Scattered Flock, the Waiters or Seekers, should not be classed as divisions of the Family of Love. Secondly, it is manifest from what Hetherington says in his earliest published book, that, though his manner of thinking displays many individual characteristics, he may best be ranked among the so-called Scattered Flock, the ordinary members of which, mystics of varying types, were scattered all over England and were dissatisfied with the existing religious societies of the early seventeenth century. Though not necessarily separatists from the church of England, the Scattered Flock met together in small gatherings and at convenient times for edification, &c. They seem *in general* to have held that the true church was in its 'Wilderness estate'; that the church, the ministry, the ordinances, throughout the world, were all in an unsatisfactory condition, which could not be improved until special messengers, prophets, or apostles were sent from God to effect that end. The Scattered Flock had no ministers or leaders; they deprived themselves of the ordinances of baptism and the Lord's Supper; they were waiting patiently for the better time to come. Thus, in all probability, among the Scattered Flock arose the 'silent meetings'.

In a general sense Hetherington might be styled a Seeker. In his first book published in 1610 he once employs that word. The persons, however, who, at a later period, were usually called Seekers, looked forward to the arrival of special prophets, while Hetherington does not seem to have maintained this opinion; in fact, in his second book he definitely condemns it. For long before 1641 he had become satisfied that T. L., the to him unknown author of various works first published between 1588 and 1610, was a true prophet, who had really foretold the time of the Second Coming of Christ. To Hetherington accordingly Elias had already come, and the faithful had only to await the fulfilment of time. But, on the other hand, like the more typical Waiters or Seekers, he believed in the then wilderness estate of the church. He might also appropriately be called a Mourner, since he and his adherents mourned for their sins, and were baptized in a thousand tears, the baptism of repentance.

Among the Seekers of the Commonwealth Hetherington's views cannot generally have prevailed, for it is evident that most

of them attached themselves to George Fox and other Quaker prophets. In fact, it is just possible that Hetherington, though he never even mentions the Friends, published his collected edition of the works of 'T. L.' in 1651-3 as a protest against those Seekers who were already beginning in large numbers to look upon Fox as a unique prophet. Hetherington certainly appears never to have joined those followers, and in 1661 his successor, J. W., was evidently still loyal to the beliefs and prophecies of T. L.

It remains to inquire, who was the T. L. of Elizabeth's reign, and who was J. W., his disciple during the Commonwealth? Though it is impossible to answer with certainty, I would suggest that T. L. may have been Thomas Legate. To be sure, it is perhaps strange that Hetherington, who in his book written for Edmond Jessop rails at the opinions of the three brothers Legate, should not have suspected that his prophet, T. L., was one of them. The information about the Legates, however, may be due to Jessop himself, and it may not have occurred to Hetherington to identify the persons. The initials J. W. may possibly indicate John Wilkinson. Between 1651 and 1661 we know of one John Wilkinson who came from Hutton in Westmorland and was the leader of the first separation from Quakerism, and of another who was a clergyman at Brigham in Cumberland and became a Friend in 1657. As the case stands, we can be fairly certain of the true beginnings of at least a section of the Scattered Flock in England, and can trace the history of the movement headed by T. L. down to 1651 and 1661. Further, a clear line of division from the beginning between that section of the Scattered Flock and Familism has been established. We can also understand how the Familists and the Scattered Flock came to be confused, for Hetherington and J. W. show that the Familists themselves recommended T. L.'s books to their proselytes, carelessly thinking that he agreed with them. Thus even before 1609 the word Familists may have been taken to include the Scattered Flock, whose members likewise met together in their families for religious purposes.

The value of being able in a measure to differentiate the Familists from the Seekers becomes evident as soon as we begin to study the tangled period of the Commonwealth. Whence, for instance, came the Ranters of that time? How far back can we trace the Seekers, and when was the word Seeker first used in its Commonwealth sense? Were the Waiters and the Seekers one people? What eventually became of the Scattered Flock and the Familists? What were the antecedents of Quakerism, if there were any? Without pretending here to answer all these questions, it may be noted as ascertained that Quakerism was in the main an out-

growth of the earlier Scattered Flock influenced from the better side of Familism. There was practically nothing new in the beliefs and customs of the Quaker leaders: what was new was their personality. George Fox and his leading adherents came forward as prophets,²⁴ and in this lay their success. Most of the Scattered Flock (now called Seekers) soon accepted them as the divinely sent leaders for whom they had so long been waiting. Some, however, remained Seekers apparently to the end, while others who had been unduly influenced by some of the more extreme doctrines of Familism, and had been disillusioned about the views promulgated by the Quakers, became the Ranters.

That the principal opinions and practices of the Friends came down to them from an earlier time may be shown from the following facts. The so-called 'Spirit of the Hat' first seems to have been discussed among Nonconformists of a peculiar type at Bocking during the reign of Edward VI, who debated 'whether it were necessarie to stande or kneele, barehedde, or covered at prayer. whiche at length was concluded in ceremonie not to be materiall, but the hartes before God was it that imported, and no thing els, . . .' T. L., John Hetherington, their followers and the Seekers, as well as the Familists, had all set little value upon ordinances administered under the defection of Antichrist. As early as 1610, also, we know through Hetherington, the followers of 'H. N.' were advocating the doctrine of the Light of Christ within and were making known the curious, mystical view of the Familists concerning the possibility of living a sinless life: 'ye seeke Christ without you, seeke him within you, . . . holinesse is Christ: And he that doth beleue it, is possible to keep all the ten commandements, . . .'²⁵ Quaking appears to have been imported into England from Holland²⁶ in 1647, not long before Fox came forward as a Quaking prophet. The special dress of the early Friends may well have been suggested by the distinctive clothing worn by some of the early Anabaptists.

The title of a Quaker manifesto of 1655 styled 'A Declaration of the Children of Light (who are by the World scornfully called Quakers) . . .', supports my belief that the Quakers were simply the Seekers under a new name. As before the rise of George Fox the Seekers are known to have referred to themselves as 'the Children of the Light',²⁷ so after the nickname of Quakers had

²⁴ See Mr. William C. Braithwait, *The Beginnings of Quakerism*, London, 1912.

²⁵ *A Description of the Church of Christ*, p. 116.

²⁶ Braithwaite, *The Beginnings of Quakerism*, p. 57. We are not told whether these first Quakers (or rather Quakeresses) in England were English or Dutch.

²⁷ Mr. Robert Barelay in *The Inner Life of the Religious Societies*, 1879, 3rd ed., notes on pp. 262 and 263, has shown that the words 'Kinder des Lichts' occur in an early publication of the continental Anabaptists. The English Anabaptists, however, so far as I remember, never styled themselves 'Children of the Light'.

been applied to them by the world, they themselves still clung to their own earlier designation.²⁸

If the Scattered Flock before 1640 manifested any sign of becoming a separatist body, it must have been driven to it by the circumstances of the times, rather than by the fundamental principles of its members. On the other hand, it is known from a passage in Hetherington's second work, that there were separatists before 1620 who appear to have awaited the coming of special prophets. But though the Quakers through the exigencies of the times gradually adopted a separatist position, their leaders never attempted to institute the new ordinances for which the Seekers had so long been waiting. To many this fact must have brought keen disappointment, and herein perhaps we may find one of the real reasons why Roger Williams and some other equally earnest Seekers found it impossible to recognize in Fox and other Quaker leaders the specially inspired prophets and apostles whom some had taken them to be.

CHAMPLIN BURRAGE.

The Memoirs of the first Lord Lonsdale

SIR JOHN LOWTHER, who was created Viscount Lonsdale on 28 May 1696, left what he terms below a 'short Historie of the last Reign'. This was published in 1808 at York under the title of *Memoir of the Reign of James II.* It was also reprinted in 1846 in Bohn's Library as an appendix to Armand Carrel's *History of the Counter-Revolution in England.* The memoir was written in 1688, and though it contains some information not to be had elsewhere, it is valuable as a record of opinions and impressions rather than facts. At its commencement he says that he designs 'more exactlie hereafter to set down what shall happen not onlie to myself, but also such other publick occurrences both at home and abroad, as shall appear most worthy of 'observation'. This promise is in part fulfilled in the continuation of the memoir now printed, which consists of two short narratives, one written in May 1695, the other in July 1699. The manuscript from which it is derived is a transcript of the original made for Sir James Mackintosh, which is now in the British Museum (Add. MS. 34516, ff. 55-60). The original of the memoir and other autobiographical manuscripts were in the possession of the first earl of Lonsdale in 1808, and no doubt it was from the same source that Sir James Mackintosh derived his transcript of the continuation. It is

²⁸ The long article on the Seekers by Professor F. Kattenbusch in Hauck's *Real-encyklopädie*, vol. xxiv, Leipzig, 1913, pp. 486-500, gives an excellent view of the various opinions hitherto advanced concerning them, and of many of the most satisfactory results as yet published.

surprising, however, that no mention is made of these various narratives in the Report of the Historical MSS. Commission on the papers of the present earl of Lonsdale (13th Report, appendix, part vii). That report, however, contains letters from the duke of Leeds, Lord Godolphin, the earl of Portland, and King William, which fully bear out the statements made in the two narratives which follow. It is clear that both the king and his ministers esteemed Lonsdale very highly, and that the pressure put on him to accept and retain office is not overstated by him.

The most important passage in the narrative is the account of King William's resolve to return to Holland and leave the government to the queen. This is also related by Burnet, who says he had it from the duke of Shrewsbury. The incident took place according to Burnet and Lonsdale at the end of 1689 (*Own Time*, vol. ii, f. 40, ed. 1833; Miss Foxcroft, *Supplement to Burnet's Own Time*, p. 338). Macaulay, who tells the story at considerable length, and somewhat embellishes it, refers to this narrative in a foot-note, but does not quote it.

C. H. FIRTH.

BY THE FIRST LORD LONSDALE.

May 1695.

My Dear Son,

God having (after seventeen years Marriage¹ and the losse of two off yr Brothers elder than you, when neither myself nor scarce anie off my friends durst hope for Sons) sent me you and yr. Brother,² as I hope Blessings to me by yr. proveing Servants to his Will and pleasure in all Godlinesse and Honestie, to you I addresse what I shall hereafter write. You may reasonable expect that the intermission off my Storie for almost seven years should now in the time of my Leisure be supplied, especially having promised it in this Book and in my short Historie of the last Reign, and having had Experience and Advantages of performing it better by the experience I have gained in Public employments, Haveing been made Lieutenant of these two Counties,³ Governor of Carlisle,⁴ Vice Chamberlain,⁵ Privie Councillor,⁶ Cabinet Counsellor and Commissioner of the Treasurie⁷ and all this without search or solicitation of mine, but on the contrarie the most considerable of these employments forced upon me, by calling me to them without my knowledge or asking my consent. These things I say no doubt will rais yr. expectation of reading something more considerable than formerlie, but by this experience it is that I begin to know that 'tis almost impossible to write a good Historie, becaus that it cannot be performed without being the Respositorie off the Secrets off the Prince, from whom alone spring all the great Affairs that make up the matter off Historie, and if one were so, which few men are to wise Princes,

¹ He married 3 December 1674.

² Richard Lowther, born 1692, and Henry, born 1694.

³ Cumberland and Westmorland.

⁴ 5 March 1689.

⁶ 19 February 1689.

⁵ 23 February 1689.

⁷ 18 March 1690.

their obligation and dutie will prohibite the devulging them. I shall therefore confine what I shall say to my own particular Storie, and rather endeavour to make my experience usefull to you, in all the material parts of your Life, then meddle with Public Affairs, with which I am so heartilie disgusted that everie thought of them is uneasie to me. In January 88 the Prince of Orange being come to London, King James being gone away, and the Archbishop of Canterburie and the Nobilitie about town having taken upon them to invite the Prince to take upon him the Administration of the Government, He pursuant to the Advice given him sent Circular Letters to all the Sheriffs to caus Elections to be made of Knights, Citizens and Burgesses, as was usual in former Parliaments. Accordingly I was chose for this Countrie, and went up to London to serv there, out of Curiositie to see what would become of us in so extraordinarie conjuncture. This convention being mett a Letter was offered to the Hous from the King but was not read. And the debate arising upon the present posture of Affairs it was concluded that King James, having broken the originall Contract, and violated the fundamentall Laws, and withdrawn himself out of this Kingdome, had abdicated the Government, and the Throne was thereby Vacant. This was sent to the Lords for their concurrence, who disagreed as to the Words Abdication and the Vacancie of the Throne. Upon which several Conferences were betwixt the two Houses. During which time all Mens tongues were at Libertie to Argue and Censure as they pleased, everie Man debated howe the Government should be settled, some were for a Regencie, and this seemed to be the desire of manie of the Clergie, and of the Lords who disagreed with the Commons, for in all their Debates they consented to secure the Nation against the return of King James, but were apprehensive that by declaring the Throne Vacant they should interrupt the Succession; and that the Prince of Orange's children would be preferred in prejudice to our Royal Line; and what was strange, manie that were of this Mind, tho' they had acted otherways as much in favour of the P. of Orange as was possible, yett made this a Matter of Scruple, and thereby pretended to acquitt themselves lyke Loyall Men to King James, and to deserv great things from him for it, and therefore when the Prince was with the Princesse declared King and Queen manie of them would never acknowledge their Government; but where was the merit of Loyaltie to banish the King forever, to appoint a Governor of his Countrie without his consent and to disinherit the Son, which just before his going away he had taken so much care to prove his own, this certainlie was as much a violation of his right, as much an interruption of the Succession, as giving the Crown to another. And others said that the Law of England was a stranger to such a practice, nor could a Regent be appointed by anie Authoritie with power to take up Arms against the Lawfull Prince, but that the Statute of Henry the seventh took notice of a King in possession, and that the Law before that was such, that if the Lawfull King were deposed and afterwards restored he might punish treasons committed against the King that had usurped the Throne, that nothing but confusion could followe upon a Regencie in all Processes of Law and Acts of Government and in forms of calling Parliaments, that the scruple of Conscience pretended was ridiculous for the

treason was as great, and the wrong to King James as manifest, in constituting a Regent as in giving the Crown to another. So the House of Lords being convinced they agreed with the Commons, and the 13 Feb. 1688 King William and Queen Marie were proclaimed King and Queen according to usual forms, to the seeming satisfaction of all Mankind, it not being then imagined that any were displeas'd. St. James's, the place where the Prince then resided, being crowded with all sorts of People, within a day or two at most whilst I was at dinner at the Speaker's Mr. Powell's⁸ House, Mr. Wharton and Mr. Jephson,⁹ two men then in confidence with the Prince, came and told me that the Prince had reserved for me the Vice Chamberlain's place, which was an honourable Post and worth £1,500 a year, that he was wearied with the number of Solicitors for that and all places, that therefore 'twas necessary he should dispose of them presently, that they hoped I would accept of it. I was surpris'd with the thing, and desired time to consider of it. They answer'd me that, That was impossible by reason of the importunity of Solicitors. So that I was forced notwithstanding all I could say to give an immediate answer. I had a great family of Daughters that wanted Education to be had onely in London, w^{ch} I knew must bring me thither for sometime, and I had experienced the expence of liveing there, so that I considered the advantage propos'd to me would be a great Eas in that respect, I sawe all People of the greatest qualitie striving to have an Interest in the Court, I knew not what turn things would have in so great change, I therefore thought it best for my own Securitie to have some interest at Court, and besides the common curiositie of Young Men¹⁰ to trie new things inclined me to consent, and accordingly within two howers I had the Vice Chamberlain's Key given me, and within a few days was made a Privie Councillor, and my Lord Carlisle,¹¹ by reason of his being a cripple with the gout, refusing to act or be concern'd with the Lieutenancie of these Counties, for want of a proper Person to give it to that Honour was bestow'd upon me, and with it the Government of Carlisle, so suddainly and unthought of were these honours and favours done me. But how great was my surprize when within a few weeks I sawe Men that had been most active in calling in the Prince of Orange, others that with precipitation after he was here called and invited him to London to take upon him the Administration of the Government, others that had been his Councillors and advis'd to secure the person of King James, which he generously refus'd, immediatelie declare themselves Enemies to the present Government. Whilst on the contrarie those that seem'd to stand at a distance and least to favour the Establishment then made, now declared themselves convinc'd and satisfi'd, and enter'd into employments, which employments were apparentlie the enlightning the understandings of both the one and the other. How was my wonder and indignation increased when as a proper means to attain Authority and Power the buried names of Whigg and Torie were revived

⁸ Henry Powle.

⁹ Thomas Wharton, M.P. for Buckinghamshire, and William Jephson, M.P. for Chipping Wycombe.

¹⁰ He was born on 23 April 1655, so that he was now nearly 34.

¹¹ Edward Howard, second earl of Carlisle, who died in April 1692.

in Parliament, and from thence dispersed through the Nation, to see everie Man that had employment satisfied and pleased, and every Man that was a Pretender to it and disappointed become a grumbler, to see Factions rise at Court and misunderstandings amongst the great Men, so that the King not daring, as 'twas supposed, to speak plainlie and freele to them nor they to one another, there was no Councille but onelie for form, and things were left to manage themselves, and then they that by their own factions were the Authors of this disorder were the loudest clamourers att it. The King, as I was well assured, either reallie wearie or disdaining the Nation for these reasons, or willing either to trie their tempers or reconcile their differences, called some of the principal of them together, and proposed goeing back into Holland, and either leaving them to provide for their own Securitie or the Queen here, with whome they would be perhaps better pleased as nearer related to the Crown. If these things created in him disgust to such a degree, no lesse did they in me; a thousand times I wished myself at home again, master of my innocent Countrie diversions, free from so tormenting and uneasie a prospect. I studied howe to obtain a dismission, but finding that could not be had without offending more than I was advised was proper, I thought it better to divest myself by degrees. I therefore gott leav to Surrender my Government of Carlisle as not haveing been bred to anie Militarie skill, and whilst I was endeavouring to retire totallie, the present Marquesse of Hallifax¹² mett me walking in the Mall, and told me I was made first Commissioner of the Treasurie. I was amazed at it, but immediatelie I was summoned to attend the King at Kensington, where with Mr. Hampden, Sir Stephen Fox, and Mr. Pelham I was called into the King's Closett, and therewith with manie gracious expressions told that wee were chosen out to put such a Trust into our hands.¹³ I could not there be the single person to excuse myself the other three being present, since both the matter and the Example would have given a double offence, and within a few days the King was to goe abroad, and thus instead of my wished retirement behold me faster bound than before to my Service. And if before this the Reasons mentioned made me desirous of retirement much more were those inclinations strengthened by the Accession of new Arguments, for in this imployment I found we were called to make Brick without Strawe, the Councille taken att Court had hitherto been to ask lesse of Parliament than was necessarie, for fear of offending them, and the Parliament accordinglie gave lesse than was asked, so that when we enter'd into the Treasurie the Navie had not receiv'd anie thing for a quarter of a year, nor the Armie so much as anie subsistance for near eleven weeks, and so proportionable everie other thing was att a stand, great Debts, no Money, nor anie Credit, but £1,200,000 to be borrowed upon the Revenue. The King was then to goe into Ireland, and in some Measure to aquit ourselves, and to lett him knowe what he was to depend upon from the Treasurie, I prepared a Scheme setting forth the indispensable occasions for Money, and howe much of the aforesaid sum of £1,200,000 ought to be applied to each head of it, which

¹² William Savile, second marquess, who succeeded his father 5 April 1695.

¹³ 18 March 1690 Richard Hampden was made Chancellor of the Exchequer. He was the only one of the previous commissioners continued in office.

was approved by the King and the rest of the Board, and accordingly was made the Measure and Rule of our disposing of the Money that Summer, and by that Scheme there was not allotted for the pay of the Armie after the King should Land in Ireland anie more than £150,000, tho' that Armie consisted of above 45,000 Men. And tho' everie other Service was pinched to make up that summe. Some few days before the King went away he summoned nine of the Privie Councill to attend him at the Secretarie of State's office, whereof I was one; when we were there, the King led in the Queen and there causing us all to sit down told us that He being called abroad the Queen would take upon her the Administration of Affairs in his Absense, that Shee was unexperienced in Public Affairs, but that He had provided against that defect in the choice he had made of those Present for a Councill for her, that he put the Kingdome into their hands, and would have all matters Foreign and Domestick of what nature soever laid before them.¹⁴ Recommended to them diligence and good agreement among themselves; two things which He knew He was most to apprehend, and which were most necessarie Becaus of the want of experience in Us all, for who had ever seen such a War, who knew what belonged to the providing for an Armie abroad, and such great transportations of Hors, &c., such things England had never known, and the before-mentioned Factions made him apprehend their disagreement. The Summer past as everie bodie knows in Ireland. And in the Winter the Parliament was called upon for a further supplie,¹⁵ which was granted, but upon Fonds of fower or five years distance in good part of it. The inconvenience of which was that the Armie and Navie were paid in tallies, which they were forced to sell att extravagant losse some even for 25 per cent. Besides that all Marchants and Tradesmen made the Soldiers and Navie board pay abundantie dearer for everie thing, by reason of the uncertaintie of the Credit, all which losse fell as well upon the Nation as the Forces. But without considering this several uneasie People and seekers of offices, a sort of Men that Parliaments have never wanted, and who abound the more by finding Murmur and Complaint always the surest way to succeed in their Pretensions, and who will one day Ruine the Nation, made Complaints as if the Luxurie of the Court, and I know not what Extravagancies, had embezzeled the Money. And thus the Commissioners of Accounts made 14 observations of Mismanagements, as they called them, but some so frivolous, some so little understood by themselves, and all so mistaken, that tho' the Burthen of Answering them laid wholie upon Me 'twas no difficult task to Justifie our Conduct before the Parliament, and nothing came of it.¹⁶ But here was again new matter for encouraging my Inclinations to retire, for what Man that hath Bread to Eat can endure, after haveing served with all the diligence and application Mankind is capable of, and after haveing given satisfaction to the King from whome all officers of State derive their Authoritie, after acting uprightlie to all Men, to be bated by Men who doe it to all People in Authoritie indifferentlie, either to carrie on Faction or gain Employments, to be judged Ex Post Facto of matters purelie

¹⁴ Mary, in her description of the Council, terms Lowther 'a very honest but weack man': *Memoirs*, ed. Doebner, p. 30.

¹⁵ It met again 2 October 1690.

¹⁶ See Grey's *Debates*, x. 191.

discretionarie, that if Successe do not happen then is a Man arraigned and Condemned by the evidence of Arguments drawn from prudentiall topicks, never discovered, till the Events brought them to light, which is a Wisdome that everie Man may arrive att; and by these Men nothing is ever allowed for the unforeseen accidents that happen, whereby the best laid Designs and best digested Councils doe miscarrie very often.

Judge My dear Son from what I have said, and from what you will learn of our Historie for fourscore years last Past, whether there be anie encouragement for a gentleman of yr. plentifull fortune to engage yourself in the Hazzardous and Vexatious Employments of the State, for 'tis not to the time that I have been concerned in that Factions Scandall Misunderstandings and Jealousies betwixt the Court and the Parliament are Peculiar, they have been growing ever since the death of Queen Elizabeth, and till this Disorder be rectified, of which there is yett but little appearance, hardly can Persons that affect the greatest Obscuritie be safe much lesse those that are in great offices. Were the List of Persons disgraced from the first Duke of Buckingham down to our days now to be made, it would but too well prove w^t I say; for scarce was there a Man, in all that Tract of Time, that received any distinguished mark of the favour of the Crown that hath escaped that danger. And some to save themselves from it have run into Faction, and by that have Justlie deserved the Severitie of the Crown. To return therefore to my Storie, I failed not this Winter by all the pressing importunities I could imagine to prevail with the King to lett me retire, but in vain, for I was told that my dissatisfaction arose from my Lord Godolphin's being restored to the Treasurie¹⁷ and thereby I was no longer the first in that Commission, this reproach was so industriously spread abroad, that I could not then force my Resignation, without fixing forever the Scandall upon myself of being insolent and Ambitious, a Character which as I did abhor so was it the farthest thing in my thoughts, being on the contrairie verie glad that a Person of his Authoritie and Experience was brought in to give Countenance to what wee did. And added to this it is neither modest nor fitt to mention the Arguments the King used to oblige me to Serv, but this I may say that He forced me to take a Present of 2,000 guineas which he gave me with his own hands, and sent me a Message by the D. of Leeds that if I desired anie Honour He would give it me, w^{ch} I declined, not having the least ambitious thought. By these means it was made impossible for me to retire till the year after.¹⁸

Julie the first 1699.

You may by this further instance of my case judge how vain our hopes are when founded upon our own weak Resolutions onelie. God will govern the World in generall and us in perticular after his own perfect absolute and Divine Will and Pleasure, without regard to our appetites and affections. I had been in the Countrie with a fixed Resolution of leading

¹⁷ 15 November 1690. In spite of this supersession Godolphin appears to have been on excellent terms with Lowther. See *Report on the Manuscripts of the Earl of Lonsdale*, pp. 106, 109–11.

¹⁸ Lowther was omitted from the Commission of the Treasury dated 21 March 1691.

a retired and easier life, from May 1694¹⁹ till March last, when I received a Letter from my Lord Portland by the King's Command, requiring me to come to London, and withall telling me that I should be imployed to my Satisfaction. I did with the respect that became me humbly thank His Majesty for his favourable intentions towards me, but withall told him my ill health, my sense of my inability to serve him, and the settled Estate in the Countrey were Arguments that moved me to begg him to Excuse me ; but withall if the State of his Affairs were such as to think my Service Necessarie I would obey, since I was obliged by the Dutie of a Subject and the Laws of Gratitude to doe soe. At that time an Appeal to the Hous of Lords brought by Wybergh of Clifton, against a decree of Chancerie made in my favour obliged me to goe to Town.²⁰ I arrived there the 25th of March last, the 28th His Majestie was pleased to tell me in His Closett that he intended to imploy me, I excused myself in the humblest and most earnest manner I could, but in vain, He said soe manie obliging things not fitt to repeat, and seemed so resolved, that anie obstinate refusall seemed as indecent as fruitlesse. Sometime after the Duke of Leeds commanding me to represent something on his behalf to the King, I did again take that opportunitie of begging Leav to Return, but with the like Successse. At last, May the 11th, 1699, I was sent for to Windsor, where the day following His Majestie was pleased to tell me that he intended to intrust me with the keeping of the Privie Seal,²¹ with the like gracious Expressions as formerlie, I then urged my Excuses soe pressinglie that I plainlie sawe He was Angrie, and he told me with more warmth than I have seen him expresse, that He Expected my Compliance, that He challenged my Promise, that He would not dispense with it, and that I knew He was Positive. There remained nothing for me to doe but to submitt since I could not avoid it. Wether this great Work of Providence be for anie wise Ends or Purposes of His own, or onlie designed as a Punishment for my Sins I know not ; I much fear the latter, but His Will be done, which is always just and perfectlie Wise. And of His Mercie I begg Him to grant me the Grace intirelie to resign myself to Him.

By the King's permission I am now here for a little while to settle my Affairs, what the Remaining Part of my Life²² will produce God onlie knows, my Endeavours shall be all pointed at that onlie Mark of Doeing what I think may be most Acceptable to Him. In which I beseech him to assist me with His Grace.

¹⁹ He ceased to be Vice-Chamberlain 19 February 1694.

²⁰ See *Report on the Manuscripts of the Earl of Lonsdale*, p. 112.

²¹ He became Lord Keeper of the Privy Seal 22 May 1699. A congratulatory letter from the Duke of Leeds is printed *ibid.* p. 113.

²² He died 10 July 1700.

Reviews of Books

Greek Inscriptions from Sardes. III-V. Edited by W. H. BUCKLER and D. M. ROBINSON (reprint from the *American Journal of Archaeology*, 1913, 1914).

THE high level of scholarship and of learning which marked Messrs. Buckler and Robinson's preceding publications of the epigraphic texts discovered in the course of excavation at Sardes is maintained in the present series. The only general criticism one is inclined to make is that the commentaries are sometimes rather too exhaustive: detailed comments on normal or minor matters, with long lists of references, are hardly necessary, and they tend to obscure the salient points of interest. Article IV is perhaps most open to this criticism: the inscriptions to which it is devoted contain some points of interest, but scarcely demand lengthy commentaries. The texts published in Articles III and V are of greater importance. The former series shows that in the second century of our era the cult of Artemis was served by a priestess bearing the title of *kauēis*, which goes back at least to the Lydian period and was perhaps no longer understood, if we may so interpret the addition (in one case) of the words 'the priestess of Artemis' (no. 5). From the conservatism shown in the maintenance of the female priesthood, with its ancient title, it is probably permissible to infer, with the editors, that the Sardian cult remained more or less free from foreign influences and in particular that it was not merged in the cult of Anaitis, although in remoter parts of Lydia some degree at least of syncretism with the Persian goddess seems scarcely open to doubt, and even in Sardes itself the syncretistic tendency finds its expression in a votive *stèle* to Artemis-Anaitis found by the excavators. The title *kauēis*—whichever of the derivations discussed by the editors we prefer—explains the cryptic word with which the first line of Hipponax, fragment 2, ends:

Κίκων δ' ὁ πανδάλητος ἄμμορος καύης.

The fifth paper deals with a long inscription of 139 lines, which is a document of some historical interest, in spite of the tiresome verbiage characteristic of the honorary inscriptions of the Eastern Greeks. It opens with a decree of the council and people of Sardes ordaining that the day of Gaius Caesar's 'coming of age' should be observed every year as a religious festival, mentioning the day on which the news was received and the decree passed; and that two envoys should convey the congratulations of the city to Augustus and Gaius. Then follows the reply of Augustus, its imperial brevity contrasting pleasantly with the prolixity of the Greeks. The rest of the document contains three decrees of the Sardian council, two of the Gerousia, another decree of the council and

people, two letters to the Sardians from the president of the provincial council, and two decrees of that council, all showering praises and honours on Menogenes for his services as envoy on behalf of the city and of the provincial council and subsequently as advocate (*ekdikos*) of the council for three turns. Apart from some new details about municipal institutions and the evidence of the existence of a Gerousia at this early date, the amount of fresh information obtainable from the inscription is not large. But we learn some interesting facts about the provincial council. The number of deputies sent to it was 150, according to the editors' very probable correction of a tantalizing miscut of the lapidary. The full official title of its president (hitherto known only from a single mention) was 'High-priest of the goddess Roma and of Imperator Caesar Augustus, son of a god', a cumbersome designation usually shortened to 'High-priest of Asia', or replaced by the handy and high-sounding, though unofficial, title of 'Asiarch'. The names of the four high-priests who held office in succession from 5 B.C. to 1 B.C. have less interest for us than the rotation of cities from which they were elected, viz. Pergamos, Mastaura, Smyrna, and Thyateira. Some light is thrown on the attitude of the cities of the Senatorial province of Asia towards Augustus and on the relations subsisting between them. The editors observe that Augustus is 'still no more than one among the leading statesmen' (*ἡγεμόνες*) of Rome; and he is certainly included among them: but in the second decree of the council and people he is called 'the god Augustus Caesar', and his adopted son Gaius is to be honoured with a statue 'in his father's temple'. It is worthy of note that, besides conveying the congratulatory decrees of the city and the provincial council, the envoys were commissioned to 'confer with Augustus respecting the public interests of Asia and of the city'. It was probably this practice of using complimentary embassies as a means of bringing matters of public interest to the notice of the emperor that suggested to the latter the advantage of according to the provincial councils the right of directly communicating with himself (without the sanction of the provincial governor) on matters affecting the welfare of the province, a right which, as is well known, was much used and helped materially to secure sounder provincial administration.

A few remarks may be added on two special points. 'Assessor of taxes' is hardly a correct rendering of *eklogistes*. It is hard to believe that this official was anything but a financial controller or auditor, like the *logistes* of the Gerousia (l. 52) and other *logistai*, including the later imperial ones. The editors think that in a passage of Philo (*de plant.* 57) the *eklogistes* is a collector as well as an accountant, but the words seem to imply only that he was responsible for paying the proper sums into the treasuries. The omission of *cos. XII* from Augustus's titles in his own reply to the Sardians is very remarkable, since it was just for the purpose of introducing Gaius to public life that the consulship was assumed, and in the oath of allegiance to Augustus and his sons, taken less than two years later by the Paphlagonians, the date is reckoned, in an unusual way, from his twelfth consulship alone (*Studia Pontica*, iii, no. 66). The editors suggest that the omission was due to the fact that the consulship was resigned after a few months (and before the date of this letter), but this explanation

is untenable, because it was the practice of Augustus to mention the consular office among his titles even when he was not holding the office at the time. He called himself *cos. XII* in the years 5-2 B.C., just as he called himself *cos. XI* in the years 23-5 B.C. J. G. C. ANDERSON.

Customary Acres and their Historical Importance. By the late FREDERIC SEEBOHM. (London: Longmans, 1914.)

It is sad to think that this is the last volume we shall have from the alert and ingenious mind whose *English Village Community* (1883) opened a new epoch in the study of early agricultural economy. In his persistent search for new evidence, or for fresh light from the old, Mr. Seebohm came to take into account influences and considerations which tended to modify considerably his original thesis, and his last years were spent in an attempt, unfortunately cut short by his death, to extract clues from the agricultural measurements of the crucial age. He began with a close examination of customary acres on both sides of the Channel, in the hope of obtaining more light upon the early history of the tribal and village communities which once occupied this 'shell'. In the course of this investigation he found evidence which convinced him that the agricultural units which he was studying had much wider affinities than he had at first thought, and accordingly extended his survey to the whole European continent, with side-glances to Egypt and the East. But he did not live to revise and rearrange completely the material in the light of the new point of view. If the book, therefore, is somewhat disorderly in arrangement and in parts, unless we are much mistaken, actually unsound, it must be remembered that it had not the benefit of the author's final revision and does not, indeed, profess to be more than a 'series of unfinished essays'.

These cover so much ground that it is not easy to summarize even their chief conclusions briefly. In the first place, the early agricultural tribute districts of Wales (*tref, maenol*), Ireland (*tir-cumail*), and Scotland (*ploughland of auld extent*) are discovered to be in certain numerical relations not only with one another but also with English customary acres. Secondly, most of these acres (including the statute acre) are detected on the other side of the English Channel, chiefly in Normandy and Brittany, not necessarily in the same form (1×10), but either with the same area or else halved or doubled. If, as Mr. Seebohm concluded, this pointed to their having crossed from Gaul into Britain, where was their original home? This was the question which led to so great a widening of the scope of the inquiry with results which, if they can be upheld, are startling. The Breton *arpent* was not only the customary Cornish acre in different shape, but was numerically connected with the Egyptian *aroura* or *khet*, with the Italian *vorsus*, and with the customary itinerary measures of Rumania. The most prevalent customary acre of Normandy was not only just double the English statute acre in area, but the square of which half the furrow of the latter was the side and half the furrow of the former the diagonal contained exactly four Greek *arourai* of 100 square cubits, while the square of which the furrow of half a statute acre (142 metres) in the same shape (1×10) was the side contained eight Roman *iugera*. The French acre,

which in area was roughly half the North Wales customary acre, contained two Greek *medimni* or Egyptian *khets* and ten Greek corn-land *modii*. Again, the common Scottish acre was almost identical in size though not in shape with the French forest acre, which was 'equal in area to the Roman *sors* (of 2 *iugera*) raised to an exaggerated standard by raising the Roman foot from .2955 to .298 m.' These are only a few examples of the unexpected relations which Mr. Seebohm finds to exist between agricultural units at first sight apparently quite unconnected. Underlying their similarities is generally, it is asserted, some numerical relation to the *leuga* of 1,500 Roman paces, an itinerary measure hitherto supposed to have been peculiar to Gaul but for which a far wider extension is here claimed. The old English mile was nothing but this league. Even the side of the Egyptian *khet* was one-thirtieth of half the diagonal of the square *leuga*.

As to the historical significance of these widespread connexions, supposing them real, Mr. Seebohm offers only tentative suggestions. Some of them, he thinks, may belong to the common substratum of European civilization, while others seem to be traceable to later migrations of particular tribes. Thus the relation which is found by him to exist between Cornish and Scottish acres is accounted for by the presence of Damnonii both in Scotland and West Wales, and the coincidence in area of the Irish or plantation acre with one customary in Poitou prompts the suggestion that the Irish Picts may be an offshoot of the Gallic Pictones.

On a first perusal these remarkable combinations are most impressive, but closer examination raises a doubt whether they are all well founded. So far as the affinities detected between Welsh and Irish tribute areas on the one side and English and continental agricultural units on the other (e.g. between the *tir-cumail* and the statute acre) depend upon similarities of area, they must be put aside as based upon a mistaken estimate of the length of the natural feet of the Welsh laws. Looking round for an indication of their standard, Mr. Seebohm seized upon a foot of .251 of a metre which has been inferred from certain measures in the Assize of David I of Scotland¹ and, making some allowance for variation of standard in natural measures, ascribed to the Welsh foot a length of from .246 to .252 m.² ($9\frac{3}{4}$ to a little over 10 statute inches). It was needless, however, to go outside the Venedotian Code itself for the standard of its foot, since the table of measures quoted from it (p. 22) defines it as one of 9 inches of 3 barleycorns each, and therefore (assuming a fairly constant barleycorn) as nearly as possible three-fourths of the length of the statute foot of 36 barleycorns (.3047 m.), which makes it .228 m. This initial error in regard to the length of the natural foot continues to vitiate the author's conclusions when he passes to the Irish tribute district. Although recognizing that the foot of the Brehon tracts is an artificial one of 12 inches

¹ This foot of about 10 inches (30 barleycorns) was in use locally in England at a later date (G. J. Turner, *Huntingdonshire Fines*, p. xciv, n. 3).

² Really .243 to .252, for the diagram opposite p. 25 allows a variation of a millimetre per inch. But as barleycorns were introduced into measurements to secure greater accuracy than measures derived from parts of the body could afford, it is not clear that so large an allowance even as 6 mm. need be made.

(36 barleycorns), he fails to perceive its substantial identity with the English statute foot, adds a third to his excessive estimate of the length of the Welsh foot, and, forgetting that the Irish foot is artificial, states the limits of its variation as $\cdot 328$ – 335 m. This exaggerated Irish foot is afterwards—we quite fail to see why—taken to be the standard on which the *plethron* and some other Greek units were built up (pp. 197, 217).

If we do not mistake, then, many of Mr. Seebohm's most surprising assimilations are simply due to errors of calculation. Others are probably accidental. In this latter category may be placed the likeness to the Greek *medimnus* which is detected in the land units of Central Europe and even in those of Brittany. In point of fact the ancient *medimnus* as a land measure is not known to have been in use outside Cyrene and Sicily. A third class of affinity is so very approximate that it is only made even superficially probable by liberal resort to the variation of standard in the natural foot. The possibility of such variation is not always clear. The widespread influence of the *leuga* upon agricultural measurements is one of the most fundamental of Mr. Seebohm's postulates, but it rests upon the assumption that its standard might vary from 2,220 m. to at least 2,268 m. All that is known of the Gallic *leuga* in the imperial age is that it was equal to exactly $1\frac{1}{3}$ Roman miles (2,220 m.). It is true that Mr. Seebohm does not hesitate to assume a similar variation in the length of the Roman mile itself which he finds preserved in the Russian *verst* (p. 171).

The evidence advanced to prove the early use of the *leuga* as an itinerary measure in Britain does not seem quite convincing. A proposed identification of the old English mile, which was generally longer than the statute mile, with the *leuga* would carry greater weight if the data given did not show so wide a range of variation—from 1,650 m. to 2,574 m. There is something to be said for the alternative suggestion of Mr. Petrie, which is briefly alluded to in a note, that this old English mile was one of 10 furlongs, and Mr. Seebohm himself explains the old Scottish mile of 1,810 m. as 10 of the furrows of the old acre in *Baronia*. But perhaps the true explanation of the discrepancy between the mileages of the old maps and itineraries and modern measured mileages is suggested by Professor Stenton, who holds that the former were just rough estimates of distance expressed in convenient round numbers.

So far then as the *leuga* is called in to account for the measurements and numerical relations of various agricultural units, judgement must be held in suspense. Some of these relations which do not depend upon errors in calculation, such as the practical identity in area of the Cornish acre and the Breton *arpent*, may be really significant, but the fact that these units were built up on entirely different rods³ should warn us not to be too hasty in drawing conclusions from identity of area. In other cases we can hardly be mistaken in discountenancing the alleged connexion at once as insufficiently proved. Thus the relation asserted to exist between the Roman *iugerum* and the English statute acre rests entirely

³ Mr. Seebohm lays stress upon the fact that 'the Breton *corde* of 7·8 m. is exactly the diagonal of the square of the Cornish rod of 5·5 m.' It is not *exactly*, but even if it were the relation is surely far-fetched.

on the fact that the long side of the *iugerum* was just half the length of the furrow of a statute half-acre in the form 1 x 10.

The danger of hasty inferences from identity of area is well illustrated in the argument, already alluded to, which identifies the Picts of Ireland with the Pictavi or Pictones of western Gaul. If this were not etymologically impossible, we should have to conclude that the small body of Irish Picts (in Ulster) were of different origin from the great Pictish population of Scotland, where the so-called Irish acre is not found. It would also be necessary to presume a settlement either of Pictones or of Irish Picts in the north of England where the 'Irish' acre was that in customary use from Tweed to Humber.

Mr. Seebohm does not indeed seem much at home in the early history of northern Britain. The Cunningham acre of Ayrshire and Ulster is described as 'a connecting link between the Scottish and Irish portions of *Dalriada* (p. 264). From which it would appear that he thought Ayrshire was within the bounds of the Scottish *Dalriada*. Had the author lived to give the final revision to his work, some of the defects which have been pointed out would no doubt have been removed. As it stands, it contains a great deal of interesting and useful material relating to itinerary and agricultural measures extracted from a wide variety of sources; some of the relations established between these measures may not be purely fanciful, but there is so much that is incorrect or misleading that the book can only be recommended to those who are prepared to check its calculations and inferences at every point.

JAMES TAIT.

The Archaeology of the Anglo-Saxon Settlements. By E. THURLOW LEEDS, M.A., F.S.A. (Oxford: Clarendon Press, 1913.)

THE importance of this book is not to be estimated by its modest size. It really represents a new method of inquiry into the obscure phase of history between the collapse of Roman provincial administration in Britain and the conversion of the English, a method of peculiar interest, since it is only in the sphere of archaeology that we are ever likely to obtain new facts bearing upon the Anglo-Saxon conquest. The valuable series of studies which Mr. Reginald Smith has written for successive volumes of the *Victoria History of the Counties of England* suffers from the disadvantage that each article is necessarily confined, in the main, to the material discovered within a single modern shire. Before Mr. Smith wrote, the student was reduced to collecting for himself the reports of individual discoveries embedded in the mass of local topographical literature. Now for the first time the evidence relating to early Anglo-Saxon culture is expressed in a convenient summary, and any one who attempts to rewrite the earliest passages of English history will have to give very serious consideration to the archaeological facts. Mr. Leeds has treated the subject as a whole, and future discoveries will gain added value as illustrating or modifying his argument.¹

¹ Since Mr. Leeds wrote, another conical shield-boss, of the type which he considers characteristic of the south of England, has been found in a barrow interment on Lowbury Hill, near Aston Tirrold, Berkshire, in the course of the excavations conducted there by Mr. Donald Atkinson for University College, Reading.

The difficulties presented by the history of this period are not merely due to the meagreness of the literary evidence. Modern writers have often darkened counsel by inventing impossible identifications of important sites which have won acceptance by frequent repetition. Mr. Leeds skilfully avoids these pitfalls. He is indeed unnecessarily tentative about the identity of the Deorham of 577 with the modern Dyrham near Marshfield, which is one of the few fixed points in the history of the sixth century. But he does not commit himself to the equation of Wibban dun with Wimbledon, or of Bedcan ford with Bedford. If he writes with more respect than it deserves of the wild identification of the obscure Fethan leag of the Chronicle with the Faccanlea recorded in a Worcester charter of 969, this is a unique lapse from his usual caution. And it is characteristic of his method that he quite abandons the attempt to frame rigid distinctions between the Saxon and the Anglian culture. The existence of features common to both cultures in the material obtained from the Midlands agrees very well with the conclusions to be drawn from the historical evidence. The solidarity of the various races south of the Humber is shown by their common subjection, from the sixth to the eighth century, to the *imperium* of a succession of powerful overlords. An occasional hint to the same effect may be derived from local nomenclature: an early, perhaps a primitive, settlement of Kentishmen in the modern Worcestershire is attested by the place-name Conderton in the latter county.² The wonder is not that the existence of elements common to the civilization of both races is continually forced upon the investigator, but rather that racial boundaries, such as that along the water-parting of the Thames and Nene, can at times be drawn with so much certainty on the basis of archaeological data.

‘Between the culture of the West Saxons and the Anglian tribes, as illustrated by the grave-finds, there was evidently much in common. The resemblances suggest races of the same general stock, the differences tribal variation within the limits occupied by that stock.’ The latter sentence would express, very accurately, the relationship between Angles and Saxons which is suggested by the legal as well as by the historical evidence. And in culture as in social organization the Jutes of Kent stand quite apart from Angles and Saxons alike, as a richer people who had developed to a far higher degree the technique of common arts. No part of Mr. Leeds’s book is more interesting than the chapter in which he describes this wealthy civilization; and his demonstration of the identity between the distinctive culture of Kent and that revealed by the interments of the Isle of Wight, confirming as it does the testimony of Bede, is of obvious importance for general history. It is much to be hoped that future excavation will discover more definite traces of the Jutes in Hampshire than have so far been recorded. They need not be sought, as Mr. Leeds seems to imply, merely in the Meon valley, for the Jutish settlement of this region extended as far west as the New Forest.³ And any discussion

² The late Mr. W. H. Duignan quoted conclusive forms in the note on this name in his *Place-Names of Worcestershire*, p. 41.

³ This may be taken as proved by the name Ytene assigned to this district by Florence of Worcester in his account of the death of William II. There is no direct

of the origins of this obscure race will now have to consider Mr. Leeds's exposition of the detailed correspondence between the Jutish culture and that of the Rhineland. The reality of this correspondence cannot be doubted; the problems which it raises are new and complex, but they are also of the first importance for our conception of the social movements of the fifth century.

Any book on this subject is bound to raise debatable issues. Mr. Leeds has done well in the present state of our knowledge to discuss the archaeological evidence by itself without suffering the traditional history of the period to affect the argument from the development of types. But the traditional history is a fact that must be reckoned with, and the work of co-ordinating the conclusions drawn from grave-finds with the explicit statements preserved by the historical authorities, though outside Mr. Leeds's immediate task, inevitably follows it. In some circumstances the evidence from archaeology may itself be conclusive. The fact that no certain interments have been recorded from Northumbria north of Darlington is, as Mr. Leeds points out, of decisive weight against any early settlement of this region. But other cases are less simple. The vexed question of the origins of Wessex is raised again by the present book, and on a matter of so much interest Mr. Leeds's conclusions should be quoted at length:

What then are the inferences which the archaeological evidence suggests? They can hardly be other than that the historical accounts only represent one side of the story, and that they do no more than record the doings of one section of the tribe which ultimately constituted the population of Wessex. They are those, in short, of a band of invaders under the leadership of chieftains from whom sprang the royal house, and nothing is more natural than that their campaigns should have claimed the chief attention of the historians. If the traditions are to be credited with even the minutest particle of truth, nothing is more certain than that the invaders who entered Britain from the south did not reach the Thames valley before the middle of the sixth century, by which time there are excellent reasons for concluding that settlements had been established there, dating at least fifty years earlier. It is by a river route then, and that the Thames, that the bulk of the settlers of Wessex reached the tract of country in which so many cemeteries of the period have come to light.

Now it may be doubted whether it is really wise, on purely archaeological evidence, thus summarily to reject the traditions preserved by the Chronicle—whether anything other than quite incontrovertible fact would justify us in assuming that the court tradition of the royal house of Wessex was mistaken about the sequence of its early wars. Nothing less is involved in this suggestion. The occupation of Bensington and Eynsham on the left bank of the Thames, as the result of a battle assigned to the year 571; is an integral part of the Chronicle story; and it is incompatible with an earlier penetration of this district from the east, and by way of the river. It is the sequence of events and not their absolute date which matters: no historian would stand out for the whole chronological scheme of the Chronicle. On the other hand, the antiquity of the basis on which this portion of the Chronicle rests has been demonstrated on philological grounds in this Review.⁴ The early annalist to whom we owe the story

evidence that the *Meanwari* were Jutes, though such a conclusion is almost inevitable in view of Bede's information.

⁴ *Ante*, xiv. 38.

did not accept any Saxon settlement of the Thames valley before the battle of 571, and the outline of his tale is credible enough in itself. The authenticity of the narrative as a whole is not affected by the confusion which attends the history of Cerdic and Cynric,⁵ and when once the invaders have crossed the Salisbury Avon their recorded battles succeed each other in natural geographical order. The battle fought at old Salisbury in 552 is followed in 556 by a battle at *Beranburg*. If Earle's identification of this site with Barbury Rings over against Swindon is correct, as it certainly is possible,⁶ it means that from this date onwards no obvious natural boundary separated the Saxons from the region in which their early settlement is attested by the famous cemeteries of Frilford and Wittenham. Barbury Rings overlook the Ridge Way, the ancient and easy road along the crest of the downs into the modern Berkshire; Frilford and Wittenham are less than thirty miles away. Then after a pause of fifteen years came the great advance to east and west, marked by the battles of *Bedcanford* and *Dyrham*, and the subsequent occupation of the whole southern midlands. Nothing really hinders the belief that during this interval the Thames was accepted as the northern limit of Saxon settlement; for the important interments at Fairford, whatever their absolute date, are certainly later than the north Berkshire burials.

It is, of course, the question of absolute date which causes the whole difficulty. If the Thames valley interments are beyond dispute earlier than any date compatible with the Chronicle scheme of events, then the Chronicle narrative must be abandoned. But it should be realized that this is a desperate expedient, and one only to be adopted when all attempts at reconciliation have failed. Students of early Anglo-Saxon history, who deprecate the rejection of the only literary material they have, are entitled to ask whether the archaeological data can really be referred with rigid precision to a term of years so narrowly defined as to countervail all contrary evidence. There are no associated finds of coins here to give a fixed point in the chronology. The survival of Roman decorative motives, illustrated by objects from Frilford, Wittenham, and Fairford, is a very important fact; as Mr. Leeds justly remarks, it supplies a most forcible argument against the extermination of the native population. The period of time over which this Roman influence extended is a distinct question,

⁵ The summary on p. 50 of the first two annals of the West Saxon series is not quite accurate: 'The landing-place of the West Saxons in 495 is given as Cerdicesore, the site of which is unknown, and again in 504 at Porta, which name is suggestive of the modern Portsmouth.' There is no annal for 504; under 501 is related the coming to Britain of one Port, with his sons Bieda and Mægla, in the place which is called Portsmouth. The latter name may very well be derived from the settlement of the historic Port, just as the *Brunnemue* of Gaimar, a name of precisely similar formation, means the river-mouth of an unknown Brunna. The West Saxons are not mentioned by name in the annals till 514, when their coming is recorded as if this year saw their first appearance in Britain. The form of this annal in the Parker MS., which makes Stuf and Wihthgar West Saxons, is not original; it conflicts with the evidence of the other manuscripts, and with the definite statement of Asser that they were Jutes. There can be no question that the Jutish civilization of the Isle of Wight derives its origin from the gift of 534 to Stuf and Wihthgar.

⁶ It appears as Berebyre in 1252 (*Index Locorum to the Charters and Rolls in the British Museum*, i. 39).

affected by many complications to which we have no clue. The conservatism of native craftsmen is proved by the very fact of the survival; but the vitality of any given design is determined by elusive considerations of taste and fashion, and to these it is very difficult to set a period in years. If the craftsmen of the Thames valley persisted in their use of Roman designs through all the disorders of the fifth century, these designs possessed vitality sufficient to carry them to a time reasonably near the beginning of Saxon settlement as implied in the Chronicle narrative. May we not suggest that if the relevant sections of the Chronicle withstand criticism on other grounds they deserve to be admitted as evidence for the chronology of the archaeological material itself? F. M. STENTON.

ROBERTO PALMAROCCHI. *L'Abbazia di Montecassino e la Conquista Normanna*. (Rome: Loescher, 1913.)

IN his study of the Norman conquest of south Italy, Signor Palmarocchi brings a fresh point of view to bear on the subject, and in so doing he makes a considerable contribution to our understanding of it. He desires to regard it, not from the distance of Rome, Byzantium, or Germany, but in the light of the political and social transformation effected in south Italy itself. In this purpose he takes up his stand at Montecassino as the leading patron and interpreter of this transformation. His original intention had been to investigate only the great monastic organism and the growth of its rural and domestic economy, but he was led on, in order to explain the development of the abbey, to sketch its whole history. After criticizing even more severely than Caspar in his *Petrus Diaconus und die Montecassineser Fälschungen* the traditional account of its early endowment, he traces the stages by which it became the embodiment of Lombard nationality and civilization down to 1057, and he emphasizes the importance of the decisive abandonment of the Lombard cause by Desiderius in this year and the alliance with the Normans. By this act Montecassino was able to assume a remarkable attitude of independence in the struggle between empire, papacy, and Normans, although, after playing the part of international mediator, the abbey sank when the struggle was over to the position of a mere feudal unit in the new south Italian state. Signor Palmarocchi disarms criticism of the somewhat loosely knit chapters of his book by explaining its constantly widening scope, but in truth it suffers less from the circumstances in which it came into being than from the author's effort to give it greater completeness. In examining the changes which accompanied the conquest he sees the importance of native conditions at the time, and he protests with justice against the habit 'eccessivamente semplicitico' (p. 23) of regarding the Neapolitan and Sicilian provinces as a single whole. This appreciation of fundamental differences has led him to devote whole chapters to Sicily. Not only do they add little or nothing to our previous knowledge and bear very remotely on the influence of Montecassino, but they tend to destroy the unity of the book. While the Sicilian problem could well have been dismissed after being plainly stated, the analysis of the mainland might have been undertaken. In the principality of Capua the Lombard

element was supreme, but further south the Greek recovery of the tenth and eleventh centuries produced a different situation. While the Normans in Capua took over a homogeneous state, in the duchy of Apulia they created a fresh political power, Lombard indeed in the northerly regions, but penetrated by Greek institutions in Calabria and southern Apulia. Consequently, Montecassino does not offer a complete interpretation of the conquest, and the existence of two states is not always expressed with sufficient firmness.

Signor Palmarocchi criticizes adversely the conclusions of Caspar and Chalandon in many particulars. His carefully pondered opinion is often justified, but in some cases he does less than justice to the meaning of his predecessors, and he is himself disposed to trust too much to probabilities of psychology and to hypothesis. Even when this is the 'unico mezzo per trovare il filo conduttore in un laberinto' it should be used with caution. An instance of the danger of the method comes out in his treatment of the opposition of Abbot Seniorectus to Roger II in the winter of 1136-7. He does not consider the impending invasion of the Emperor Lothar a sufficient motive for disloyalty, and so proposes to transfer the events narrated with circumstantial detail by Peter the Deacon to the winter of 1134-5, when Roger's rumoured death gave a great stimulus to the imperial party (pp. 162-5). Even if the king's demand to introduce a garrison into Montecassino is not regarded as cause enough for the hostility of an abbey which always guarded its *de facto* independence, definite confirmation of the circumstance is forthcoming. Peter the Deacon is often untrustworthy, but on this occasion he takes the pains to mention the chamberlain Joscelin and the archbishop-elect of Capua among the officers charged with the king's business. The amended date, the winter of 1134-5, falls at once, because they were appointed only in October 1135¹.

The author treats a vast number of controversial topics in the six centuries of his survey, and it is impossible to touch on more than a few. Perhaps the most interesting contribution to ecclesiastical history is his discussion of the career of Abbot Desiderius. Caspar regards him as the instrument of the reformed papacy; Signor Palmarocchi, on the other hand, questions with some justice the intensity of his zeal for reform. While the alliance of Nicholas II in 1059 with the Normans undoubtedly owed much to his efforts, he acted far more in the interests of his monastery than of the papacy. The fundamental difference of aim comes out in the pontificate of Gregory VII, who did not hesitate to alienate Robert Guiscard, while Desiderius adhered firmly to friendship as well with Apulia as Capua. In considering the long hesitation of Desiderius in ascending the papal chair, Signor Palmarocchi carries discussion a step further when he lays greater stress than Chalandon has done on the importance which the abbot of Montecassino attached to the support of the new duke of Apulia, since Capua alone could not secure the loyalty of the south. He does not, however, bring out the motives for Duke Roger's delay in accepting the choice of the cardinals, and the suggestion may be hazarded that jealousy of Jordan of Capua, who alone had been consulted in the

¹ Alex. Telesin. iii. 30, 31.

election, was a determining factor. Moreover, the revolt of Boamund began in 1085 and not for the first time in 1087, as Signor Palmarcocchi seems to imply, and he took refuge according to Orderic Vitalis at Capua. Consequently, the statement of Hugh of Lyons that Duke Roger, when he was induced to accept Desiderius, had been tricked by the prince of Capua may possibly refer to a promise of the latter to abandon Boamund.

An excursus on the privileges and exemptions of Montecassino and another on the administration of its estates, based on the careful study of the documents transcribed in the Codex Cassinensis, add considerably to our knowledge. It is impossible, however, to follow the author in his view of the late growth of the patrimonial jurisdiction of the monastery, and a more detailed account of the relations between the judicial officers of Montecassino and of the king would have been of great value. In treating of the difficult question of the functions of *prepositi*, *advocati*, and *missi*, Signor Palmarcocchi asks whether the *missi* were in all cases competent to act without further appeal to the abbot (p. 221). One answer to the question is supplied by a concord of the time of King Roger, which seems to have escaped his notice.² In a dispute at Troia between John de Boccio and the abbot of Montecassino certain proposals of settlement were felt by the *missi* to be of such importance that John had to seek the abbot in person before they could be accepted. The whole treatment of the administration throws new light on a little-known side of the economy of the monastery, and throughout his book, although it is impossible to agree with all his conclusions, Signor Palmarcocchi has done good service in treating the early history of the great Benedictine abbey as a whole and in stimulating further inquiry.

EVELYN JAMISON.

The Book of the Bayeux Tapestry. By HILAIRE BELLOC. (London: Chatto & Windus, 1914.)

IN spite of its somewhat ambitious title, this is a disappointing book. It describes itself as 'presenting the complete work in a series of colour facsimiles', but the introduction of colour, which is its novel feature, is not very successful, and the student will find the monochrome facsimiles, from the official negatives, in Mr. Fowke's handy volume,¹ clearer in definition of detail as well as larger in scale. We are not told how the facsimiles in Mr. Belloc's book were produced, or what relation, if any, they bear to those published by Tostain at Bayeux a year or two earlier.

Mr. Belloc's own contribution consists of a brief introduction and a running commentary on the illustrations. As the only commentator among his predecessors whom he mentions by name is Freeman, one cannot tell with how much of their work he is familiar, and the unlearned reader might even imagine from his remarks that the date of the tapestry was here discussed—or at least decided—for the first time. He would certainly be much surprised to learn that the famous stitchwork has a literature of its own, extending over nearly two centuries, and that scholars have disputed its date *ad nauseam* for over a hundred years. In the

² See my *Norman Administration of Apulia and Capua*, App. no. 11 (*Papers of the British School at Rome*, vi. 468 ff., 1913).

¹ *The Bayeux Tapestry*, 1898; reissued in 1913 (see *ante*, xxix. 397).

present century alone, since Marignan's remarkable book (1902), we have had its effective criticism by M. Lanore and the late Gaston Paris, followed by the studies of MM. Huard, Anquetil, Turgis, Lauer, Lefebvre des Noëttes, and others. It would be difficult to find anything new that could be said upon the subject. Mr. Belloc, however, approaches the problem of 'the authenticity of, or, to be more accurate, the date of this famous document' as if *de novo*. A few pages of confident assertion can hardly be treated as a serious contribution to the controversy on this question, nor will the student be reassured by allusions to 'the gentleman in the trousers and the top-hat', or to a cheque in 'the latter part of the nineteenth century'. Moreover, the author seems quite at sea both as to the usually accepted date and as to that which he would substitute for it. It savours, surely, of impertinence to write that

The more slipshod, earlier, and picturesque historians, with their touch of charlatanism and their eye upon the public (notably Freeman), naturally desired to believe, and even more naturally said, that the embroidery now preserved at Bayeux was exactly contemporary with the Conquest. . . . But, as the legend that the Bayeux embroidery is actually contemporary with the Invasion of England has been erected into a sort of university dogma and propagated through English schools and text-books, it is as well to point out to my readers the nature of this simple error.

For Freeman's careful appendix on 'The Authority of the Bayeux Tapestry'² is a valuable summary of the controversy up to the time of its appearance, and gives very fairly the reasons for believing it to be 'a contemporary work'. As he held that Bishop Odo designed it 'for his newly rebuilt cathedral church of Bayeux',³ 'his own newly-built church',⁴ and as that church was only consecrated in 1077, he cannot have thought it, as alleged, 'exactly contemporary with the Conquest', nor am I aware of any such dogma being found in our text-books.⁵ To meet an obvious rejoinder I hasten to add that one may quite consistently accept Freeman's conclusions where sound, while rejecting such a statement as that 'in the tapestry the bequest of Edward to Harold' plainly appears⁶ as being due to his own bias and opposed to the whole standpoint of the stitchwork.

Mr. Belloc, on the other hand, tells us at the outset that we have here 'a record contemporary or nearly contemporary, . . . virtually a contemporary document' (which was Freeman's view), but, further on, argues, from the date of the first crusade, that 'there must be an interval of at least fifty years' between the invasion and the stitchwork. Finally we reach this conclusion:

We have in the Bayeux Tapestry something certainly later than 1140, almost certainly later than 1150, probably as late as 1160, but, on the other hand, certainly prior to the date 1200.

But the only date found in the foot-note appended to this passage is in the statement that 'the helmet with a nasal is not now in any document before the seal of Baldwin, the late 1115'—which is unintelligible. And if the date is 'certainly later than 1140', why trouble about the first crusade? As if to increase our perplexity, we read, after this, in the text that 'the

² *Norman Conquest*, iii. (1875) 563-75.

³ p. 563.

⁴ p. 571.

⁵ M. Gaston Paris took the accepted date to be 1070-80.

⁶ *Norm. Conq.* iii. 573.

'Tapestry was produced about a generation later than the Conquest'. How then can its date be 1140-1200?

Mr. Belloc, like M. Marignan, appears to rely partly on archaeological evidence and partly on the allegation that the tapestry follows Wace. If this allegation were true, one need not trouble about any date earlier than, say, 1160; but, as M. Gaston Paris justly observed of M. Marignan's proof of it, *ce tableau, qui doit établir sa thèse, suffit à la détruire*'. But Mr. Belloc's knowledge is in inverse ratio to his confidence. For instance, English commentators, Freeman among them, have justly laid stress, since Amyot discovered the fact, on the appearance of Turolde, Vital, and Wadard, who figure by name in the tapestry, among the principal tenants of Bishop Odo in England, while Turolde was actually dead before Domesday. Of this he seems to know nothing; 'Turolde' for him only suggests the 'Chanson de Roland'; 'who Vital was', he writes, 'there is no sort of evidence to tell us'; 'Wadard' he simply ignores. Again, of the four notes prefixed to the text, the first tells us that 'Many of our historians carelessly talk of Harold being brought to Rouen: we have no proof of this', while in the second we read: 'Mr. Oman in his version of the affair makes Bonneville the scene of the oath; I have not seen the proof of this.' The fact in both cases is stated by William of Poitiers, who is at least well known as a primary and contemporary authority. Finally, we have the unlucky assertion that the tapestry shows Bishop Odo 'with the characteristically French inscription "Pueros suos", by way of saying "his men"'. . . . So the modern French army term, "mes enfants" for men. All this is quite clear.' Mr. Belloc does not allow us to forget that he has served in the French army. Unfortunately the word 'pueros', as Mr. Charles Dawson has shown, is an eighteenth-century addition (for which 'Francos' was originally suggested), while as for 'suos', it is not found even in the tapestry thus restored. One may also note that 'the Mont St. Michael' is surely neither French nor English. It is to be regretted that a writer who has made so considerable a name for himself as a *littérateur* should have set himself to put historians right on a subject of which he only had an imperfect knowledge. J. H. ROUND.

Le Mouvement théologique du XII^e Siècle, Études, Recherches et Documents.
Par J. DE GHELLINCK, S.J. (Paris: Gabalda, 1914.)

THE centre of this valuable study of the twelfth century is the *Liber Sententiarum* of Peter the Lombard. That a work of such small originality or intrinsic importance should have become the basis of theological education throughout Europe is one of the curiosities of history. One is tempted even to call it an accident, for, if Abelard was condemned and Peter accepted (though not without a struggle) as a pillar of orthodoxy, this was due less to any radical divergence in doctrine than to differences in the personality of the two writers. In the method of exposition during the great age of medieval theology we may, as Father de Ghellinck suggests, distinguish three stages. The monograph is succeeded by the collection of 'Sentences', and this in its turn by the *Summa*. Of these the second would seem to be the most impersonal and the least open to criticism.

Theoretically the author might almost be eliminated, and the whole reduced to a bare statement of past opinions, without any estimate of their value. In practice, however, this is not possible, for the endeavour to present any doctrine in its purity by means of a 'cloud of witness' inevitably leads either to the exclusion of inconvenient witnesses or to the frank admission of conflicting judgements. Fortunately, and thanks in no small measure to Abelard, the latter alternative was preferred in the twelfth and thirteenth centuries, and the *Liber Sententiarum* owed its eventual position to the fact that it was thought (after the excision of certain propositions) to preserve more effectively than any similar work the balance between orthodoxy and dialectic. *Non sunt adversi sed diversi* was the motto of the period, maintained alike by those whose object was general conciliation and by those who desired to carry speculation to the utmost point compatible with avoiding ecclesiastical condemnation. With great industry and admirable judgement Father de Ghellinck has traced the affinities and relations of the *Liber Sententiarum*, and in some cases has thrown new light on the facts. A good example is the discussion of the relation between Gandulph of Bologna and the Lombard. Gandulph enjoyed at one time sufficient repute to earn for himself the description, found in a medieval manuscript, *Magister Gandulphus, cuius magna est in ecclesia Dei auctoritas*. Not long ago Denifle brought him into notice again, and since then attempts have been made to prove that his *Sententiae* are prior to the more famous work. It is difficult to suppose that any one, after reading Father de Ghellinck's examination of the evidence, will continue to sustain that opinion. Especially worthy of notice is the argument based on the use of John of Damascus by the two authors, which leads to the conclusion that Gandulph did not copy from the *De Fide Orthodoxa*, but borrowed his quotations from the *Magister Sententiarum*. The entry of John of Damascus into the western world forms the subject of a special chapter. The Latin translation by Burgundio of Pisa seems to have been accomplished about 1148-50, and there are twenty-six citations from it in the *Liber Sententiarum*. All of these, however, are taken from the first seven chapters of Book III, and, after discussing certain other hypotheses, Father de Ghellinck is disposed to infer that Peter saw the translation during a visit to Rome, but had not time to examine more than a portion of it. Another translation is connected with the name of Grosseteste and mentioned by Roger Bacon. The doubts about the exact character of this work have at last been set at rest by the researches of Dr. M. R. James, who has shown that it is a new version of Burgundio, based on a study of the original Greek. Father de Ghellinck also brings to light a third translation, preserved only in two incomplete manuscripts. The author is unknown, but Father de Ghellinck finds in him *des qualités d'helléniste bien rares en somme au moyen âge*.

The last and perhaps the most interesting subject treated by Father de Ghellinck is the mutual relation of Theology and Canon Law. The most obvious points of contact were, of course, practical rather than speculative, but from early times the canonists, especially in their references to the sacraments, began to wander into theological discussions. This tendency, discoverable as early as Burchard of Worms, becomes more marked in

Ivo of Chartres, and culminates in Gratian of Bologna, who is often recognized in the marginal notes of early manuscripts as the source of many of the Lombard's opinions. The obligations of the canonists and the theologians were, in fact, mutual. The canonists often appealed to theology, but the theologians in their turn came to recognize the canonists as the chief storehouse of the authoritative judgements in which the wisdom of the church was recorded. But the strongest link of all is found, once more, in the task of dialectical reconciliation, imposed upon all who would support their position by reference to 'authorities'. From Alan of Lille Father de Ghellinck quotes the admirable saying, *sed quia auctoritas cereum nasum habet, id est in diversum potest flecti sensum, rationibus roborandum est*. Here we have the whole problem presented to the medieval theologian or canonist. As early as Isidore of Seville we find the statement, *illius teneatur sententia cuius antiquior aut potior exstat auctoritas*, and to supplement this guiding principle there came from time to time fresh maxims, none more notable than Abelard's *facilis autem plerumque controversiarum solutio reperitur, si eadem verba in diversis significationibus a diversis auctoribus posita defendere poterimus*. The earliest of philosophical methods, dialectic is likely to survive all others, if only because its formulas, whether we seek them in Aristotle, in Abelard, or in Hegel, can cover almost every inward disposition from the closest grasp of a faith once delivered to the saints to the firmest disbelief in the existence of either saints or faith. Father de Ghellinck has written of an age in which the greater men were for avoiding, if possible, both extremes, and his book is an excellent guide to the meaning of a movement which in the twelfth century excited both admiration and fear. W. H. V. READE.

Essai sur l'Armée royale au Temps de Philippe Auguste. PAR ÉDOUARD AUDOUIN. (Paris: Champion, 1913.)

PROFESSOR AUDOUIN of Poitiers has in this work revised and enlarged three articles which appeared in the review *Moyen-Age* in 1912-13. His essay is in reality a detailed and careful study of two well-known documents, the *Prisia servientum* and the royal accounts of the year 1202. The latter record, whose original is lost, was printed by Brussel in his *Usage des fiefs*. The former is found in Register A of Philip Augustus, and has been shown by Borrelli de Serres to belong to the year 1194. M. Audouin ingeniously explains a few anomalous entries in the record by the suggestion that, after its insertion in the register by Walter of Nemours about 1200, various items were added in 1204. The present work contains a new edition of these records, together with a revised text of the fourteenth-century French translation of the *Prisia*, first published by M. Boutaric. The greater part of the book consists of the texts and of tabular analyses of their contents; the numerous topographical and biographical notes, which can be traced in an excellent index, will be of much service to students of the military and administrative systems of Philip Augustus.

The object of the author is to establish more clearly than previous writers have done the details of military service, especially wages, in France during the wars between King Philip and the Angevin kings of

England. Although he does not add much that is new to the researches of Boutaric and Borrelli de Serres, his conclusions are precise and definitive. The maximum force at Philip's disposal he estimates at 25,000 men, of whom three-fifths (1,200 knights, 3,000 mounted men-at-arms, and 10,000 foot) fought at Bouvines. It is unfortunate that the records do not help towards an estimate of the numbers which invaded Normandy between 1202 and 1204. The Norman rolls, few though they are, convey a better impression of the field-force which Richard and John occasionally collected. Some discussion of the French field-force would, however, have been welcome, the more so that one of M. Audouin's points is that the French nobility gave their services freely for an extended period, and were superior in devotion to the Norman tenants-in-chief. The standing army, organized by Philip for garrison duty, contained 2,700 or 2,800 men. This force, which is dealt with in the records of 1202, corresponded, we may remark, to a similar force which manned the Norman garrisons. The most interesting facts which M. Audouin brings out in his analysis of the 'standing army' of Philip Augustus are the position of the mounted men-at-arms (*servientes equites*) and the comparative absence of alien mercenaries or *routiers*. The *servientes equites* were, socially and otherwise, quite independent of the knights; they formed a class apart, drawn from the less wealthy feudal tenants, and before 1231 increased in importance. In St. Louis's reign they were better armed and paid than they had been in the reign of Philip Augustus. Secondly, the paid forces of Philip were French. The English kings employed mercenaries on a large scale. Philip dismissed his Brabançons. The notorious Cadoc was not a routier but a knight-banneret in charge of 500 foot-soldiers, who were treated as a unit in his pay. He received a lump sum from the French treasury, and was, in short, a captain of irregulars. On the analogy of Cadoc's force it would be safe, I think, to emphasize the distinction which I have drawn elsewhere between Mercadier and other mercenary leaders subsidized by the Angevin kings.

Students will notice M. Audouin's remarks upon the auxiliary services, the interest taken by Philip's vice-chancellor, Brother Guérin, in the artillery, the method of paying the garrisons, and the private victuallers who accompanied the armies. He reaches the same conclusions as those of the present writer on such points as the wages of various classes in the Norman army (corresponding on the whole to wages in France) and the significance of the Norman *auxilium exercitus*. The analysis of the quota-lists of service due from the French towns strengthens my suspicion that a similar method of enlistment or exaction, combining Carolingian tradition with later feudal practice, may be traced in Normandy; but in the absence of a Norman list of *Prisia servientum*, it is impossible to say whether the Norman dukes made a systematic levy upon the towns of the duchy.

F. M. POWICKE.

Church and State in the Middle Ages. The Ford Lectures delivered at Oxford in 1905. By A. L. SMITH. (Oxford: Clarendon Press, 1913.)

THE chief objection to this book is its title. Excellent as are these lectures, their title is misleading. Not merely do they not deal with the whole

problem of church and state in the middle ages, but they do not deal with the whole of the English problem. They are an acute and interesting criticism of the relations between the papacy and this country for a period of about half a century. It is a pity that the title should lead the public to expect something very different. Henry the Third and Pope Innocent the Fourth would have been a fair description; and not very much less attractive. At the same time it is to be presumed that the author would make a defence; and would justify it from the body of the book. 'My book', he might say, 'is not so wrongly named as you suppose; for it takes the fundamental fact in the problem of Church and State, and describes it at the most critical point in medieval history. I claim to have shown not only something of the good that the papacy did, but of the value that it might have been, and to have analysed the causes of its decadence as a world-power in religion by showing that at the most decisive point in its history, it allowed itself in the person of one of its ablest representatives to be deflected from its true path under the influence of vulgar political ambition.' This is hardly a complete defence, but it states the main thesis of the book. Mr. Smith in his earlier lectures is occupied in a task comparatively easy. He points out that much of the abuse which the papacy has come in for is mistaken, and that in its day it was a necessary, a civilizing, and even a spiritualizing agency. Then, in the later half of the book, he turns round and shows how, under the exigencies of the struggle with Frederick II, and the desire for political aggrandizement, all the higher objects of the papacy were abandoned at least for a time; and that a mean pursuit of mean ends—mean, that is, from the Christian point of view—destroyed the moral basis of its authority; and together with its calculated hatred of the holy Roman empire shattered that unity of Christendom which was, in the middle ages, the postulate of all politics.

In the course of these lectures many wise considerations are put forward. Mr. Smith shows how too many of us, even of those not unfamiliar with historical research, are still under the domination of Puritan prejudice. In one particular, he justly criticizes Maitland. Maitland, it must not be forgotten, with all his genius had certain limitations; the attitude of the common lawyer towards the canonists was one of these; that of the legal towards the clerical office another. The best chapter in the book is that on the law of marriage. Mr. Smith shows how very conventional and commonplace is some of the condemnation meted out to the papacy, even by renowned scholars. He points out that

there is some unfairness in summing up the church view of marriage as low, and simultaneously complaining of it as impracticably high. It was high just as the monastic ideal was high, and for the same reason and with similar results. It was above the men of that age; they could not attain unto it; but it held up a lofty conception before their eyes.

He next examines a rather emphatic statement in the great *History of English Law* by Pollock and Maitland:

When we weigh the merits of the mediæval church and have remembered all her good deeds we have to put into the other scale, as a weighty counterpoise, the incalculable harm done by a marriage-law which was a maze of flighty fancies and misapplied logic.

Mr. Smith shows that the statement is more than unfair.

The flighty fancies, the misapplied logic, were the very things against which we see the papacy setting its face consistently, brushing them away for sound sense and practical compromise. The maze was none of its making, and, compared with what existed before, was like an Italian garden compared to a tropical jungle.

He goes on to ask:

Can it seriously be maintained that this should outweigh all the good done by the mediaeval church, that institution which was the saviour of society after the barbarian deluge? Is this one consideration to be really a counterpoise to all the religion, all the art, and most of the literature of the Middle Ages, to outweigh the names of Bede and Anselm, Langton and Grossteste?

And again:

Has Professor Maitland quite sufficiently distinguished between mediaeval church and mediaeval society in general, when he holds the former responsible for abuses that were forced upon it by the latter?

He goes on to detail some of the paradoxes of the common law in the middle ages, and very pertinently inquires, 'Is the English common law entitled to scoff at the "maze" of canon law and rebuke the "flighty fancies" of the canonists'?

In the later part of the book, Mr. Smith examines and rejects the claim to authenticity of Grossteste's most famous letter to the Pope. Probably he is right in denying its authenticity. But it seems strange that he should give no hint that the matter had been previously decided in that sense by a French scholar. His criticism of Matthew Paris is admirable, and ought to be borne in mind by all who use him as an authority for the relations of England and Rome. Large parts of the last two lectures seem to prepare us for that book on the Emperor Frederick II, *stupor mundi*, for which we had hoped so long. The characterization of Pope Innocent IV, and the estimate of the significance of his pontificate in world-history, are the most important things in this most valuable volume.

He would show that his one object was a lasting peace for the Church; his one principle to act through and with the cardinals; his one preoccupation the emperor. He set to work with a tireless diligence that makes his registers an overwhelming monument. Nothing escapes him, from Iceland to Tunis, from the pillars of Hercules to the land of the Tartars. Nothing is too little; nothing is beneath his attention; every one is worth cultivating; everything will come in useful some day. He is full of enterprise, and not afraid to throw himself into a new set of circumstances. No conjuncture finds him unprepared. The most diverse forces and impulses of that motley time are all welcome to him, because he knows how to avail himself of each. He is as much at home in a summer's retreat among the pious friars of Assisi as in a six years' residence in the armed camp of Lyons; in a Cistercian chapter at Cluný as in the tumultuous civic receptions at Genoa, Milan, and Bologna; in secret conclave with St. Louis or in stormy interviews with Brancaleone and the republicans of Rome.

Mr. Smith's thesis is this. The papacy was on the whole a beneficent and needful institution, until the thirteenth century. The pontificate of Innocent IV is the parting of the ways. Then the popes deliberately chose a temporal instead of a spiritual regality; and although they won prepared the way at once for ultramontane tyranny inside their communion and the gradual diminution in the extent of their kingdom.

Had the church really won? Was the victory of Innocent IV a victory for the Church? Was it even a victory for his own plans? He had taken the Church at her highest and best, in the climax of the thirteenth century, that glorious flowering-time of the Middle Ages, and in eleven years had destroyed half her power for good and had launched her irretrievably upon a downward course. He had crushed the greatest ruling dynasty since the Caesars, and ruined the greatest attempt at government since the fall of Rome. In ruining the Empire, he had also ruined the future of the Papacy. Was this a victory?

These and other extracts will show that in addition to his learning and originality Mr. Smith has the gift of writing. J. NEVILLE FIGGIS.

The King's Council in England during the Middle Ages. By JAMES FOSDICK BALDWIN, Ph.D., Professor of History in Vassar College. (Oxford: Clarendon Press, 1913.)

PROFESSOR BALDWIN'S book is substantially though not formally divided into three parts. In the first place Mr. Baldwin gives a chronological narrative of the part played by the council in medieval history, tracing the beginnings of the council from the primitive Curia Regis, out of which grew every administrative department of every medieval feudal state. He shows how under Henry III the council came definitely into existence, and notes throughout the thirteenth and fourteenth centuries the extremely gradual process by which it grew into an organized institution. From the later part of the fourteenth century his narrative becomes more detailed and more illuminating. He is at his best when he sketches the conflict of ideals which made the king wish to fill his council with household officers and personal dependants, while the magnates regarded it as a sort of committee of the higher aristocracy, whose mission was to see that the royal policy was framed on lines approved by the baronage. The aristocratic view of the council, always emphasized in periods of weak monarchy and civil strife, definitely came to the fore in the days of the Good Parliament, and prevailed from the minority of Richard II to the breakdown of Lancastrian constitutionalism in the middle of the fifteenth century. With the Tudors the council revived, but the monarchical theory now prevailed. It became the more stable, since the monarchy was able to combine royal officers and faithful barons in a well-ordered institution, whose ever-increasing activity did much to secure the triumph of the Tudors.

The second aspect of Mr. Baldwin's work is the systematic setting forth of the power, records, and antiquities of the council. It adds to the lucidity of his book that his narrative and descriptive chapters alternate with each other. The third section of the book consists of an admirable appendix of original documents, nearly all hitherto unpublished, and drawn not so much from the well-known enrolments as from the rarely consulted 'files' of chancery and exchequer documents preserved in the Public Record Office. Conspicuous among these are the chancery files, now described as 'parliamentary and other proceedings', the exchequer files described as 'council and privy seal', the files of chancery and exchequer 'warrants', and above all, the vast and, unluckily, rearranged collection of 'ancient petitions'. Some excellent facsimiles are appended, but in several cases these are on too small a scale to be easily read.

Enough has been said to show that Mr. Baldwin's book is one to be treated with the utmost respect, and that he has not only written a most complete and learned treatise on the history of the council, but has made a substantial contribution to our knowledge of the administrative history of the later middle ages. As regards his subject, Mr. Baldwin has established conclusions that are likely to stand their ground. Among such generalizations may be included his doctrine of the unity and continuity of the king's council, whether it be called 'privy', 'great', 'secret', or 'ordinary'. In this matter we might go even further than Mr. Baldwin, and venture to criticize some of his favourite formulae, such as 'council in the exchequer', 'council in chancery', and 'council in parliament', as also inadmissible.

We may whole-heartedly accept Mr. Baldwin's doctrines as to the indefiniteness and fluidity, not only of the organization of the council, but of all medieval institutions. Even when the process of differentiation had gone so far that a well-marked sphere was assigned to one institution, it was sure to continue to deal with questions which, theoretically, belonged to some other department. Above all, he deserves praise for emphasizing the administrative side of his subject. Administration presents the most fundamental problems with which the political historian has still to deal. In the future all who endeavour to grapple with these problems will have constant occasion to profit by Mr. Baldwin's book.

Mr. Baldwin rightly tells us that the council in early times was 'not a clearly defined institution, but a body very vaguely outlined, and by no means clearly separated from other branches of the original organ of government'. Accordingly, he devotes a great deal of his book to considering the relations of the council with the various departments of state, or, as he phrases it, with 'several closely affiliated bodies, such as the house of lords, the exchequer, the king's bench and the court of chancery'. It follows that his treatise involves a theory as to every part of our administrative institutions.

In these wider extensions of his subject Mr. Baldwin's book may well provoke criticism. The essential function of the council was not to act, but to give advice. The very vagueness and the extraordinary variety of forms which the council assumed were the natural result of the simple fact that, at different times and under different conditions, the king took the advice now of one group of persons, now of another. Mr. Baldwin more or less recognizes that the council, though advising executive action, did not itself discharge directly executive functions. He does not, however, completely realize the limitation to conciliar action which this want of executive authority involved. The council might give any advice, and the king might take it; but the executive measures necessary to carry it out were, before Tudor times at least, seldom the act of the council. Such action involved, first, a mandate from a secretarial office, such as the chancery, the exchequer, the wardrobe, the chamber, or even the two benches of the common law. Thus if a piece of advice was translated into a letter patent or close, it became an act commanded by the chancery; if by a writ of privy seal, the executive authority was, under Edward I, the wardrobe, and, from Edward III's reign, the office of the privy seal; if embodied in a letter under the signet, the king's secretary and, later, the

signet office took responsibility. Similarly, financial resolutions might give rise to writs under the exchequer seal. In all such cases, therefore, we must draw a line between the body which advised and the secretarial office which issued writs. Lastly, it was the function of the royal ministers and bailiffs and of the departments, which were executive as well as secretarial, to carry out the royal orders. Mr. Baldwin treats as acts of the council the acts of other departments, which were only initiated by conciliar action.

Other consequences follow from what is here suggested. Mr. Baldwin rightly repudiates the view that the history of the council cannot be written; yet it can only be properly focused when the history of the administrative departments through which it acted is understood. Here and there, for instance on p. 445, Mr. Baldwin gets very near the primary truth that the council was not a 'department' but a body which had to do with all departments alike. His general trend is, however, to the contrary. It is true, then, that the definitive history of the council can only see the light when the history of the later exchequer and the early chancery and such household departments as the wardrobe and the chamber has been worked out. Accordingly, with all its merits, Mr. Baldwin's book must be regarded as marking a great stage forward in our knowledge, rather than as a final book. This is not so much because its conclusions are wrong, as because so many of them are out of focus. This is in no wise Mr. Baldwin's fault. It is the result of the present state of our knowledge. It is his misfortune that in a premature effort to write a detailed history of the council he has been compelled, so to say, to put the cart before the horse.

The worst results of Mr. Baldwin's method come out in his treatment of the relations of the council and the exchequer. Here he has accepted the view that the twelfth- and thirteenth-century exchequer was 'actually a general secretariat for all kinds of government business', 'a general organ of government wherein the council was seated'. It is manifest that, after the easygoing fashion of the times, the exchequer was often employed in expediting very varied business in which the king was concerned. It was, however, primarily and essentially a 'segregated' revenue department, and its 'secretarial', nay, even its judicial aspects, were quite subordinate to its prime function. The sound view of Stubbs and Maitland to this effect is dismissed on evidence which is neither relevant nor conclusive. Though the exchequer was strengthened by certain councillors on particular occasions, and the council held its meetings on exchequer premises, there was in the reign of Edward I clear differentiation between the council and the exchequer. The fact that a great variety of documents, including some 'diplomatic documents', was stored in the exchequer for safe-custody and reference does not show that the exchequer had control over foreign relations. A mandate to the exchequer to consider the relations of English and Flemish merchants suggests simply that it was a matter not of diplomacy, but of finance. It is inadmissible to argue, because the English exchequer exercised control over 'the exchequer of Gascony', that under Edward I 'the responsibility of the government of Gascony lay especially with the exchequer'.

Mr. Baldwin's section on the relations of the council to the two branches of the common law is interesting and suggestive, and he throws all his power into his discussion of the relations of the king's council with the chancery. He has clearly done good pioneer work, and both here and in his sections on the jurisdiction of the council he has made a serious contribution towards the early history of the various bodies which administered early 'equity'. It would be unreasonable to expect more, for the unravelling of some of the most intricate problems in our legal history can hardly be accomplished in a book destined to fulfil another purpose.

On some points, perhaps, Mr. Baldwin does not quite apprehend the effect of changes which he records. For instance, he rightly lays stress on the increasing use of the privy seal after the early years of Edward III's reign as the instrument for carrying out the wishes of the council. This is shown in the fact that writs of summons to the council ceased to be issued under the great seal and went under the privy seal, and even more clearly, in the close relation of the staff of the privy seal to the council, notably in the fact that the early clerks of the council were also clerks of the privy seal. The first of these, Master John Prophet, is perhaps the greatest benefactor that the historians of the council have had, for he drew up in his interesting journal of the council the first definite archives of the council which exist. Mr. Baldwin has done a real service by disinterring from the exchequer archives the elaborate journal which Prophet kept of the proceedings of the council in the years 1392 and 1393. It is, however, an exaggeration to say that the privy seal became the 'direct and authoritative organ of the king's council', and I have little more faith in the theory of rivalry between the chancery and the office of the privy seal than in an earlier conflict between chancery and exchequer. For this reason I dislike the distinction between the 'council in chancery' and the 'council (privy seal)' which Mr. Baldwin has drawn.

With the Yorkists the decay of the medieval administrative departments becomes well accentuated. One happy result of this is that Mr. Baldwin's misconceptions as to the relations of the council to other bodies in earlier times no longer stand in the way of his correctly focusing the general administrative position towards the conclusion of his period. Accordingly his last chapter on 'the council from Edward IV to Henry VIII' is one of his best, throwing real light on the genesis of the Tudor administrative system. But is it safe to argue the reduced activity of the council under the Yorkist kings from the negative argument of the loss of conciliar records? The truth is that we have no real records of the council, preserved as such, until the reign of Henry VIII. I mean by this, that there no longer survives a special *fonds* of council records, any more than there is a special *fonds* of records of the privy seal. Such acts of either body as have survived owe their existence to the fact that they were preserved in the archives of the two great record-preserving departments, the chancery and the exchequer. It is from these sources that the numerous acts of great and privy seal, inspired by the council, are derived. It is in the exchequer that Prophet's journal and other early records of the council are found. I emphasize the point because it is rather slurred over in Mr. Baldwin's

chapter on the records of the council and in his useful appendix on authorities.

Mr. Baldwin recognizes that the council 'was not limited to any fixed place, and never ceased to bear a certain migratory character', since 'there was always a varying number of councillors attending the king, wherever he might be, at home or abroad'. These sentences do not lay sufficient stress on the undoubted fact that all through the middle ages the primary duty of the council was to follow the king. Mr. Baldwin's readers would, however, conclude that its natural home was early established in London, and that its migrations were the exceptions rather than the rule. It is true that the council often sat at Westminster or London, because all kings were often in those places. It is true also that after 1343 a new chamber, called almost from the first the star chamber, was erected at Westminster and set apart for the specific purpose of holding the council meetings. It is, however, only the 'judicial council', the 'council in the star chamber', as Mr. Baldwin calls it, which henceforth habitually sat at Westminster. This was, no doubt, because, in the nature of things, a judicial body is best held in some fixed place. But the primary and original council still followed the king. The fact that fifteenth- and sixteenth-century monarchs were less on the move than earlier kings, or anyhow confined their wanderings within narrower limits, does not prevent this 'council with the king' from being the real consultative council. It is hard, therefore, to accept the view that the statute of retainers of 1503 and the consequent ordinances of 1526 set up a newly formed branch of the historic council, namely, that attending the king's person. The point is surely that these measures aimed at preventing the increasing absorption of the council in judicial business, transacted in the star chamber at Westminster, from interfering with its essential and primary function of attending on the king to give him advice. The specialized council at Westminster, not the council attending the king, is the new body. As regards the time before the middle of the fourteenth century, the royal council was essentially migratory. Even the chancery had not down to this time any fixed place of session, and Mr. Baldwin is in error in assuming that it was already established in London: he seems to have been led astray by the modern idea of the necessary centralization of political institutions in a 'capital'. Though by the middle of the fourteenth century most of the offices of state, including the chancery and the wardrobe, had a *dépôt* or permanent office in London, they were not, however, locally fixed in London, like the exchequer or the common bench; the vital point is that they moved constantly to the place suggested by convenience.

Mr. Baldwin underestimates the extent to which subdivisions of the council into branches or committees took place, even in the thirteenth or fourteenth century. He recognizes that sometimes, 'as described in 1342 and 1347, it is possible to discern a group of councillors in attendance upon the king in France, communicating with the council in England'. He holds, however, that it is only under Henry IV that a 'fairly clear distinction was made between the councillors who were "about the royal person", and those who remained in London or Westminster'. But he

does not think that this tendency to subdivision within the council became important before the reign of Henry VIII. Yet from the reign of Edward I onwards it was usual, when the king went abroad, for part of the council to attend him, while part remained behind to assist the regency. Even when the king was not abroad we have similar divisions of the council. A passage in Hemingburgh (ii. 126) suggests that in 1297, just before Edward I's departure for Flanders, the council was divided into three bodies. Part of it had already preceded the king to Flanders; another part remained behind in London; and a third, an apparently feeble section, was attending the king at the place of embarkation. One of the most interesting letters printed by Mr. Baldwin shows that in 1316 some of Edward II's councillors were with him in the north, though others were established elsewhere, probably in London. It is true that on both these occasions Edward I and Edward II made the small number of councillors attending them a pretext for not discharging disagreeable business. Yet the fact remains that, wherever the king went, there some of his councillors went also. The consequences of this subdivision of the council during the French wars of Edward III were exceedingly important. This is shown in another of Mr. Baldwin's documents, which is in reality evidence of the fierce controversy that was being carried on in 1339 between the council left in England and the councillors attending the king in Flanders. In this conflict, which culminated in the ministerial revolution of 1340, we see not only a division between two sections of the council, but also a struggle between the aristocratic and curialist elements within that body.

Mr. Baldwin's book is clearly written and accurate in detail. A few cases of slips, mainly trivial, are necessarily to be found in so long a book. Some of these may now be mentioned, not by way of complaint, but as by way of suggestion when Mr. Baldwin has to revise his book for a second edition. On p. 28 Mr. Baldwin refers to Miss Dibben's article in this Review on the chancellors under Henry III;¹ but he ignores the complete proof which Miss Dibben there gives of the continuity of the office of chancellor during that reign. He should, therefore, correct his reference to 'the suspension of the chancellorship', on pp. 25 and 28. On p. 397 and again on p. 415 the date '1316' should be corrected to '1318'. On p. 541 '1839' is a slip. On p. 171 it is stated that John Tiptoft was 'successively keeper of the wardrobe and treasurer of the household', but these phrases are synonyms and describe one single office. The facts cited on pp. 275-6 hardly justify the conclusion that 'the council made excursions into the field usually held by the clerical courts', even to the extent of 'taking some cognizance of heresy'. On p. 476 there is a regrettable but deliberate (cf. p. 555) confusion between the Florentine merchant society of the Peruzzi² and Prussia (*la partie de Pruce*), to which men were still wont to go on crusade. There are one or two similar small errors in the generally useful appendix on authorities. There is such a large 'secular' element among later chroniclers that it is misleading to speak of their works as 'monastic chronicles'. It may be doubted whether Johnes's *Froissart* is still a 'serviceable translation'. The only work of Froissart,

¹ *Ante*, xxvii. 39-51.

² *Les marcheantz de . . . Peruch* is translated 'the Prussian company'.

'published in a scholarly edition by the Société des anciens textes français', is not his chronicle, but the romance of *Méliador*. It is only the 'great rolls of the chancery' which are now 'available to a great extent in printed form'. The rolls of the exchequer have yet to be calendared, though we may well believe that the work will soon be taken in hand. Moreover, the calendars of chancery rolls should not be described as 'calendars of state papers', a designation which should be limited to the post-reformation series of letters and dispatches of quite a different provenance. M. Bémont's edition of the Gascon rolls does not stop in 1290, but has been happily continued until 1307. It is not precise to select from the issue rolls 'especially the series known as pells' as of particular value to students of the royal revenue. The pells and the auditors' series are duplicates; the names, quite modern in origin, have been rightly given up in the new classification of the issue rolls by the authorities of the Public Record Office, who have now numbered 'pells' and 'auditors' rolls in a single consecutive series.

It is inevitable that in a long review the critic should dwell more insistently upon points of difference than upon points of agreement. Let me, therefore, conclude by emphasizing how much I have learnt from Professor Baldwin's learned and original book, and how high is my appreciation of its merits. In the multiplication of such monographs rests our best hope for the progress of medieval studies.

T. F. TOUT.

Roger Bacon; Commemoration Essays. Collected and edited by A. G. LITTLE. (Oxford: Clarendon Press, 1914.)

THE essays collected in this volume were written in connexion with the recent commemoration of Roger Bacon at Oxford. They are edited by Mr. Little, who has himself contributed a sketch of Bacon's life and writings and a valuable bibliography. Each essay deals with some special aspect of Bacon's work, but as the various authors, English, French, and German, have written in complete independence of each other, there is naturally some overlapping and, here and there, some marked divergences of opinion. Thus Cardinal Gasquet, who discusses Bacon's study of the Vulgate, declares that 'the methods he suggests are the scientific methods employed to-day in the production of a critical text', while Dr. Hirsch, in a similar context, concludes that Bacon, though much in advance of his age, 'had yet as little idea of modern Biblical criticism as he had of modern comparative philology'. Here, perhaps, the contradiction does not go very deep, but there are other cases in which the reputation of Bacon seems to be more seriously at stake. For example, there is a common opinion, held, evidently, by several of the essayists, that Bacon must be credited with preferring experience and experimental methods to authority. But against this we have to set the judgement of Professor Duhem: 'on aime à faire de Roger Bacon un adepte précoce de la méthode expérimentale; des pages comme celles-ci nous montrent assez qu'il expérimentait seulement en imagination'; to which may be added Mr. Withington's statement, that Bacon, 'though naturally a rebel against authority . . . nevertheless accepts without question a theory of medicine eminently

based on authority, the system of Galen, as further formularized and stereotyped by Avicenna and the Arabs'. Or, again, as to Bacon's originality, Mr. Little quotes (without endorsing) the late Professor Adamson's assertions, that to Bacon alone in his age belongs the doctrine that 'all natural philosophy is ultimately mathematical', and that 'Grosseteste, so far as we know, made no such application of his mathematical knowledge'. But in fact this is just what Grosseteste did, as any one may learn from Dr. Baur's essay in this volume, or, better still, from the treatises of Grosseteste recently edited by the same scholar. Incidentally one is glad to learn that Dr. Baur expects shortly to publish his own exposition of Grosseteste's philosophy, a book which is likely to make it even clearer than it is already that Roger Bacon was by no means unique.

The general tendency, however, of these commemoration essays is certainly not towards an exaggerated estimate of Bacon's achievements. Colonel Hime definitely supports his claim to be the inventor of gunpowder, though he has wisely left it to Professor D. E. Smith to make the rather humorous comment, that by the formula for gunpowder Roger Bacon 'freed intellect from brute force'. Colonel Hime's argument involves the discovery of a cryptic meaning in certain passages of Bacon's *De Secretis*, which have to be interpreted, like the letter in Thackeray's *Esmond*, by the omission of all but the relevant words. What with gunpowder and Shakespeare's plays, it seems that the use of cryptograms ran in the Bacon family, but we may allow that it is safer to attribute the refining of saltpetre to Roger than the composition of *Hamlet* to Francis. Apart from gunpowder Bacon made no startling discoveries, and indeed it would be unreasonable to expect that he should. Like Grosseteste, he studied optics intelligently; he added something, Professor Duhem thinks, to the current theories of motion and void, and he constantly professed great enthusiasm for experimental principles which sound vaguely like those of modern science. On the other hand, he was in his actual methods quite medieval, and he never displays any real understanding of the problems suggested by terms such as experience, reason, and authority. Yet even if Bacon had never interested himself in natural science, he would (like Grosseteste again) have been remarkable for his study of Greek and for his conviction that no translation can take the place of an original text. If he was wrong in thinking that an adequate knowledge of Greek could have revealed to his contemporaries the whole meaning of Aristotle, this was an error that he shares with many modern writers, and perchance with some who have contributed to the present volume. The Latin translations of Bacon's time were often inaccurate, though scarcely more inaccurate than the English version of a German version of a Greek original quoted by Mr. Withington on p. 342. The failure of a medieval translation, however, lay not in its verbal inaccuracies, but in the ideas and prejudices then signified by the Latin words into which the Greek had to be translated. No accuracy of scholarship could have remedied this defect, and, if we in the twentieth century suppose ourselves to be freed, by the aid of our historical sense, from a like difficulty, our confidence is based, perhaps, more on vanity than on reason. It is wiser, at least, to congratulate ourselves on our greater facilities for the

study of Greek, and to honour Bacon for accomplishing so much as he did with instruments and opportunities so imperfect as those which fell to his lot.

W. H. V. READE.

Calendar of Justiciary Rolls, Ireland, Edward I, Part 2, a.r. xxxiii-v.
 Edited by JAMES MILLS, I.S.O. (London: H.M. Stationery Office, 1914.)

THE two volumes of justiciary rolls edited by Mr. Mills, the late Deputy Keeper of the Rolls in Ireland, are a monument of his industry and learning and form a work of enduring value to all students of Irish medieval history. Together they complete the calendar of the few surviving rolls of this series for the reign of Edward I. In the preface to the first volume Mr. Mills says that he has given 'the substance of each entry in as condensed a form as seemed compatible with showing all the facts stated, every name mentioned, and each stage of the proceedings'. Only in rare cases then will it be necessary in future to consult the original rolls. There are many other extant plea rolls of the reign of Edward I, and indeed a few from the time of Henry III, but they were taken before the justices in eyre or in banco, and not before the chief governor. The court of the justiciar was the Irish representative of the Curia Regis and was presided over by the justiciar or his *locum tenens*. Among those who generally assisted were 'the justice assigned to hold pleas of the king following the chief justiciar', the chancellor, the treasurer, the escheator, and other members of the council. Mr. Mills has compiled an itinerary of the chief governor for the period 1295-1307 covered by his two volumes. As an itinerary it has many gaps, being mainly taken from the recorded places where the court sat, and it is principally of interest as an indication, however incomplete, of the extent of country subject to the common law of England during the period. The justiciar did not sit in Ulster nor in Connaught (except at Roscommon in the 'king's cantreds'), because these were liberties of Richard de Burgh, earl of Ulster, who had his own courts at Carrickfergus and Loughrea, his own sheriffs and itinerant justices, and he and his agents resisted as far as possible all interference on the part of the Crown. But the justiciar sat in nearly every other important town (and in many now unimportant) in the rest of Ireland. Of the other great liberties, Kildare was in the king's hand and was no longer a liberty, but, since 1297, a county under a sheriff of its own, and Carlow reverted to the king on the death of Roger Bigod in 1306. In the liberties of Wexford (which belonged to Joan de Valence), of Kilkenny (which belonged to Joan, the king's daughter), and of Trim (still in the hands of Geoffrey de Geneville), the justiciar appears only to have taken Crown pleas and pleas relating to cross-lands or otherwise appertaining to the king. We see throughout Edward's reign a marked endeavour to improve, unify, and extend the administration of law in Ireland; but the king's aim was much impeded not only by outbreaks of the Irish in Leix and Offaly, in the Wicklow mountains, and in other places, but by the liberties granted by his predecessors.

There are numerous points of interest in this calendar touching law, legal procedure and administration, the state of the country, family

pedigrees, social conditions, &c. Mr. Mills has supplied not only a full index of persons and places, but also an index of subjects, which is a great help to those pursuing any particular inquiry. There is a full account of the arrangements for the expedition of Hugh Bysset in April 1307 to the western islands of Scotland against Robert Bruce 'hiding in those islands' (pp. 332-4). There were several proceedings by Agnes de Valence, widow of Maurice FitzGerald (who died in 1268), against John FitzThomas (afterwards first earl of Kildare) and others to obtain execution of a large judgement-debt recovered at Westminster. Every sort of artifice and subterfuge was employed to defeat her, not only by the debtors, but apparently by the sheriffs of half a dozen counties (pp. 6-8, 204-13). Then it appears that in 1303 John FitzThomas, who had acquired from the heirs of Maurice FitzGerald the reversion of Agnes's manors, 'maliciously feigning' (as was pleaded) that Agnes was dead, seized her lands and chattels. Agnes recovered her lands, and proceeded for £2,200 damages on a writ from the king suggesting the facts and ordering Wogan to do justice. John challenged the writ because it did not issue from the chancery of Ireland, and he was supported by the earl of Ulster and others on the ground that the writ was against the liberties and customs of Ireland. The justiciar referred the case to the king (pp. 75-8). A different complexion is given to John's action in seizing Agnes's manors in an inquisition taken in Ireland after Agnes's death and transcribed in the Red Book of the earl of Kildare (fo. 44^d *et seq.*).

Students of the period will find many minor points cleared up by these rolls. Thus from a case reported on pp. 63-4 it appears that William de Serland, to whom King John granted lands in Ulster, was great-grandfather and predecessor in title of Alan, son of William FitzWaryn. This seems to explain the statement of William FitzWaryn in 1282, that he held his lands in Ulster of the king in capite and not of the earl (*Cal. of Doc., Irel.* ii. 431). When Hugh de Lacy was being restored in 1226 the seisin of William de Serland was expressly reserved (*ibid.* vol. i, nos. 1371-2). Some further light seems also to be thrown on the obscure Carew pedigree (pp. 372-3). Richard de Carew, who left as widow, entitled to dower in lands in Imokilly, Raghennild inyn (daughter of) MacCarthy, is stated to have been great-great-grandfather (*abavus*) of Maurice de Carew, apparently the Maurice who held a moiety of Cork of the Crown about the year 1300 (*Justiciary Rolls*, i. 383-4, &c.): With regard to the family of the Fitz-Maurices, barons of Kerry and Lixnaw, whose origin has recently been treated in these pages (*ante*, xxix (1914), 302), a jury in 1307 found that Maurice, son of Thomas (usually called second baron), was lying on his death-bed at Moyflayth (Molahiffe) on 14 April 1305, that his last wife's name was Sibilla, mother of his son Gerald; that the charters and writings touching his lands were kept at Lysnaue (Lixnaw); and that Nicholas, his son and heir by a former wife, disputed his father's dying gift of Vyaille to Gerald (pp. 422-3). We may add that from another plea roll in the Record Office (no. 68, m. 29), not here calendared, it appears that Sibilla claimed dower in Lystochil (Listowel), in Altry, and in 'Viale', and that the former wife of Maurice and mother of Nicholas was Elena, daughter of 'Willielmus filius Elie', with whom Maurice got Listowel and Viale.

Vyaille or Viale probably represents (*Cois*) *Féile*, a district about the river Feale in Kerry. We have here materials for correcting the received account of the marriage of this Maurice as given in the manuscript pedigree cited by Lodge and Archdall.

We have noted very few misprints. On p. 32 for 'encient' read 'enceinte'; p. 145, for 'not to omit an account of the liberty' read 'on account', &c.; p. 269, last line, for 'earl of Norfolk' read 'earl of Pembroke'—if the mistake is in the original it should have been noted as such, but it is repeated in the index; p. 622 (under Cantred), for 'Shimurthy' read 'Scilmurthy'. The identifications of place-names, so far as given, seem to be uniformly sound. Many more, however, might have been added. For instance (to mention only some of the more difficult ones which occur to us): p. 30, 'Dundeyr' is 'Duniry', co. Galway; p. 63, 'Newebiggyng' is 'Newbuildings', parish of Ballymoney, co. Antrim; p. 64, 'Drumrothan' is 'Drumroan' in the Grange of Drumtollagh, co. Antrim; p. 129, 'Tachto' is 'Taghadoe', co. Kildare; p. 136, 'Balydonegan' and (p. 314) 'Balydongan' is now Oakpark demesne near Carlow—the name survives in the townland of Dunganstown or Bestfield adjoining; p. 191, the barony of Kilanegy was afterwards the quarter of Killegny, barony of Bantry, 'Killangie alias Killegny' (Inquis. Lagenie, Wexford, 118 Car. 1), and the barony of Mathyrneyuyn was afterwards the quarter of Adamstown, barony of Bantry; p. 321, 'Aungeyneston, an interesting name, now written 'Ongenstown', co. Meath; p. 358, 'Castlefraunk' now 'Castlering' (see *Journal R.S.A.I.* xxxviii. 252); p. 349, 'Tylaghraghtyn' now 'Tellarought', co. Wexford; 'Dromcolp' now 'Dungulph' (for this and some other names on this page see *Journal R.S.A.I.* xxxiv. 354); p. 486, 'Cullyfan' or 'Cullyffan' now 'Killanny' (see *Journal R.S.A.I.* xxxviii. 267); pp. 486–9, 'Aghglynt' or 'Athclynt' is now 'AcLint', two miles south of Killanny.¹ GODDARD H. ORPEN.

Registrum Johannis de Halton. 2 vols. (London: Canterbury and York Society, 1906–13.)

IN printing the earliest existing register of a bishop of Carlisle the Canterbury and York Society have entered into the northern province and so justified their twofold title. Bishop Halton's register covers the whole of his pontificate, 1292–1325, and is the first of a series of Carlisle registers extending to 1386. It thus covers a much longer period of time than the sole contemporary Durham register—that of Bishop Kellawe, which of course differs from it in being a temporal register of the Palatinate as well as an episcopal register in the strict sense. Of the contemporary York registers only part of Archbishop Romain's register (1286–98) is as yet in print (Surtees Society, vol. cxxii, 1914), and thus the present two volumes form as yet the sole accessible register of the northern dioceses for the last years of Edward I and the greater part of the reign of Edward II.

Bishop Halton's register has long been known to historians from the

¹ [Since this review reached our hands we regret to hear of Mr. Mills's death on 5 September 1914.—Ed. *E.H.R.*]

extensive use made of it by the late Canon James Raine in compiling his *Letters from Northern Registers* for the Rolls Series, but it was highly desirable to have it published as a whole, and the task of transcribing and editing it was committed to Mr. W. N. Thompson of St. Bees. The whole of the first volume and the first eighty pages of the second are his work. His death interrupted it, but it was continued by others under the supervision of Mr. C. Johnson, and Professor Tout has furnished an excellent introduction. The editors are to be congratulated on producing a transcript singularly free from errors. The documents given by Raine are here, with few exceptions, reprinted *in extenso*. So too are the papal bulls, many of them well known, in which this register abounds. Arguments may readily be found for and against including documents known from other sources. Mr. Tout disarms criticism by confessing 'It is always a problem how far documents already in type should be reprinted, but as most of us have not ready access to great libraries, it is a fault on the right side to re-issue in cases of doubt, and the policy pursued by the editors of this volume has the important advantage that, besides making important documents readily accessible, it brings together in a single conspectus the whole mass of documents derived from a single source'. With this statement of the case we do not propose to quarrel, and need only remark that the second editor has preferred what some will think the wiser course of giving simple references, and that so far the volume loses the uniformity which the change of editors made almost inevitable. There is, however, room to doubt the expediency of reproducing *in extenso* every document in episcopal registers even when unpublished, seeing that so many entries—notably presentations and institutions to benefices—follow common form. Where the form is usual, it seems permissible to give an abstract of the subject-matter and to dispense with the text. Lists of ordinations suggest different treatment. It is probably desirable to print the lists as they stand, but it would be an assistance to readers if the lists were supplemented by tabular statements giving the dates at which individual clerks took their successive orders.

The register is important not only as a record of the affairs of Carlisle diocese but for the information given in its earliest pages as to the ecclesiastical affairs of Scotland. Bishop Halton acted as chief collector in Scotland of the crusading tenth imposed by Pope Nicholas IV in 1291 upon the churches of this island. Many documents relating to the collection were transcribed for the bishop in his register, and these have given Mr. Tout the opportunity of investigating the subject of papal taxation in Scotland during the second half of the thirteenth century. The topic has not hitherto been treated fully, and students of ecclesiastical history should not omit to refer to this portion of Mr. Tout's introduction. One small correction may be made here. It is not the case that none of the valuations made for the Norwich taxation of 1256 are in print (p. ix). That for the archdeaconry of Northumberland lurks obscurely in Hodgson's *History of Northumberland*, II. iii. 422.

Next to the record of the papal taxations the most striking feature in the register is the insertion of numerous papal bulls. That of Clement V,

dated 2 August 1305, imposing a crusading tenth for three years upon the British islands is apparently new, as Mr. Tout does not fail to point out. Apart from these extraneous matters, 'the picture contained in the Register is mainly valuable as indicating the working of an English diocese in the midst of exceptional difficulties in a very disturbed time'. Many of the entries concern the relations of the ecclesiastical courts with the civil authorities. There are numerous licences for non-residence, usually made to allow the incumbent to prosecute his studies at one of the universities. 'Indeed,' as Mr. Tout observes, 'a living seems in many cases to have served to the medieval poor scholar the function of the modern "scholarship" as his means of sustentation at the university.' An instance of presentation to a 'family living' will be found at vol. ii, p. 19. Monastic affairs are little in evidence, the only visitation of a monastery recorded in the register being that of Carlisle (i. 119).

H. H. E. CRASTER.

Les Papes d'Avignon (1305-78). Par G. MOLLAT. (Bibliothèque de l'Enseignement de l'Histoire ecclésiastique. Paris: Lecoffre, 1912.)

IF this book had hardly any narrative it would nevertheless deserve distinction for its wonderfully complete bibliography. There is an introduction (25 pages of small print on manuscript sources and on printed documentary and narrative sources), and among these pages the sections on the papacy, its chancery, papal courts of justice, papal numismatics and heraldry, are specially useful. Then besides this introduction to each of the fifteen chapters in Books i-iii, even to most of the sections into which these chapters are divided, is added a bibliographical note of its own. The scheme of bibliographical information is therefore complete, and its execution is on the same level. The book is essential for the medieval or ecclesiastical student, and it reaches the high level of the books by Bréhier and Salembier on *Les Croisades* and *Le Grand Schisme d'Occident*. It has also, what an English reader misses in so many foreign books, a useful index. It is a real pleasure to see a writer of M. Mollat's knowledge and experience undertaking this useful task of bibliographical guidance.

The first book (pp. 27-117) deals with the seven popes from Clement V to Gregory XI in summary but adequate separate chapters; that on John XXII has a specially useful bibliography and is notable. These chapters with their sketches of characters and their general remarks, always founded on exact knowledge, seem just what is needed in a book of this scope. The second book deals in ch. i (of nine sections) with the papacy and Italy: section 3, on the Italian policy of Benedict XII, section 7, on the Avignon papacy and the patrimony of St. Peter, and section 8, on Rome and the tribunate of Cola di Rienzo, deserve special notice. Chapters ii, iii, iv, and v discuss the papal relations with the Empire, France, England,¹ and Spain respectively. The summaries of the special histories given here and the sketches of the successive pontificates in the first book form a clear although brief view of the history.

¹ In the bibliography, p. 273, for MacKinson, *History of Edward III*, read MacKinnon.

The third book has a special value of its own as it deals with more general matters. Ch. i (Avignon and the Papal Court) describes the city, the court, the central ecclesiastical administration, the cardinals, and the general social life; of these the section on the central administration—divided under the heads, the Apostolic Chamber, the Chancery, the Judicature, and the Penitentiary—gives in a concise manner information not easily accessible to many students and very welcome to the general reader. Ch. ii, on the fiscal system of the papacy, with a summary view of the effects and consequences of the financial policy of the popes of Avignon, is almost more important. That financial policy caused general discontent, for the money spent on Italian politics was raised, and raised with difficulty, elsewhere in a time of general distress such as Denifle (in his *La Désolation des Églises*) has sketched for France. The enforcement of the taxes by excommunications freely used added to the discontent. And yet (as shown in ch. iii) the centralization, which was a political characteristic of the time, worked in the ecclesiastical sphere to consolidate and extend the papal power. In spite of abuses, and in spite of the separation from Rome, papal power grew just because the age demanded centralization, and sought for it in church matters as well as in secular politics. 'Au xiv^e siècle elle [i. e. la centralisation du gouvernement de l'Église entre les mains du pontife romain] atteignit même, à certains égards, son apogée.' Ch. iii is a commentary upon this text, and its twelve pages (again with a bibliography) are an admirable summary. As the writer points out in his judicial 'Conclusion', complaints against the popes have been often accepted too readily and as if final: increased evidence lays stress upon historic causes other than the mere growth of abuses. The connexion with Rome and Italian politics is the least satisfactory part of this papal history. But since the days of Gregory VII strong popes had again and again found themselves foiled by the civic turbulence of the great city. Italian politics needed money, and the centralization belonging to the day helped the popes to gain it. Thus the policy of Avignon naturally and easily issued in the great schism. The period should be looked at not pathologically as a study of disease but as a study in ecclesiastical growths and politics.

J. P. WHITNEY.

The Genesis of Lancaster, or the Reigns of Edward II, Edward III, and Richard II. By SIR JAMES RAMSAY, Bart., of Bamff. 2 vols. (Oxford: Clarendon Press, 1913.)

HERE are the last of the long series of volumes in which Sir James Ramsay displays to us the medieval history of England. Though the first instalment (*Lancaster and York*) was not published until 1892, the work has been the author's 'standing occupation since the outbreak of the Franco-German War' of 1870: thus it finds its completion just before the outbreak of the Franco-German war of 1914,—well over forty years of continuous, fruitful, and accurate labour, the results of which will always be indispensable for reference and as annals. Sir James is indeed to be congratulated on the completion of his task, and he has laid students under a great

obligation for this English counterpart to the *Jahrbücher der deutschen Geschichte*.

The value of and the limitations to Sir James's work were indicated by Mr. Lapsley in his criticism of the preceding volumes (the *Dawn of the Constitution*) in this Review,¹ and his remarks are equally applicable here. We find again 'a reasoned and critical digest of the chronicles'; solid contributions to financial and military history—of which the most important are the tables indicating the customs receipts and the treasury and wardrobe receipts of each reign;—that sane and wholesome criticism of medieval numbers of which Sir James has made a special study. On the other hand we find the same intolerance of the medieval church system, often carried to unreasonable lengths—witness here the sketch of Wycliffe and the Lollard movement—and the same neglect of many contemporary authorities apart from the chronicles. Though the papal letters, the patent rolls, and the greater part of the close rolls have been calendared for this period, no use seems to have been made of them unless they have appeared already in Rymer's *Foedera*. Again, some modern books of the first importance, because of new documents utilized by them, such as Déprez's *Préliminaires de la Guerre de Cent Ans* and Delachenal's *Histoire de Charles V*, are neglected. Thus, though the work so far as the chronicles are concerned will scarcely need to be done again, we must await the store of good things which are promised or anticipated from Manchester, and of which we have a happy foretaste in Professor Tout's *Studies in the Reign of Edward II*, to obtain a really adequate knowledge of the age of the genesis of Lancaster.

In the reign of Edward II the controversy over the numbers engaged at Bannockburn is, of course, prominent. Sir James finds no difficulty in disposing of the exaggerations both of the medieval chroniclers and of Professor Oman. He gives the English numbers as about 1,000 horse and from 15,000 to 20,000 foot, but he does not seem to note that he is slaying the slain—for there is no mention of Mr. Round's caustic article on the battle in *The Commune of London*. As to the result of the battle, 'Had Bannockburn never been fought, or had it seen another issue, Scotland would have become a second Ireland, with the Forth for its pale' (i. 73). Edward II's deposition is justified from the point of view of the territorial magnates, but it is pointed out that for the commonalty there was 'far less taxation . . . , far less conscription, no foreign service, no winter campaigns in Scotland' (i. 165).

Edward III is much more severely treated. The hundred years' war is regarded as an aggressive one on his part. But M. Gavrilovich's book on the Treaty of Paris has shown how untenable this view is, so far, at any rate, as Aquitaine was concerned. The Franco-Scottish alliance, on the other hand, is anathema to Sir James. The battle of Poitiers is given a careful study, based on a personal visit to the site. Great stress is laid on the importance of the Black Prince's letter to the Corporation of London,² because it is from this alone that we learn that the English did not take up their final position until the very morning of the battle. The action of the French diplomatists at the treaty of Calais in striking out

¹ *Ante*, xxiv. 338–40 (1909).

² Riley, *Memorials of London*, p. 285.

the clause agreed on in the draft at Brétigny, concerning Edward III's renunciation of his claim to the crown of France, is regarded as a blunder. 'If Edward III had finally renounced the crown, Henry V would never have had the seeming excuse that he had for reopening the war in 1414. The Calais clauses cost France the second half of the hundred years' war' (i. 442). The estimate of the Black Prince's character is definitely hostile. 'Courteous and considerate to those of his own caste, but nothing more, towards the church and clergy his habitual tone, as we have seen, was one of undisguised contempt' (ii. 55). If this were the case, would the St. Albans chronicler indulge in such a pathetic lamentation for the prince's death? ³ But the fact is that the remark is a generalization from a single incident, namely the alleged insult to Archbishop Whittlesey which the continuator of the *Eulogium Historiarum* (alone) relates. But Professor Tait, in his article on that archbishop in the *Dictionary of National Biography*, has pointed out the impossibility of accepting the story; and so the one instance falls to the ground. Sir James might, perhaps, have criticized the numbers of the victims of the 'massacre' of Limoges. M. Leroux, utilizing his method in *Le Sac de la Cité de Limoges*, has gone far to clear the prince's character from the most serious slur on it. We are much more disposed to accept the estimate of Edward III as a man 'of sensuo-athletic type, morally weak . . . without sense of duty or regard for justice' (ii. 67).

In Richard II's reign the peasants' revolt is looked upon as having a disastrous result. 'The rising certainly put all possibility of legislative emancipation out of the question,' but the number of deaths in the suppression of the revolt is put down as no more than 700. Sir James looks on Richard's policy after 1386 as definitely and continuously directed towards absolutism, and he insists on the king's essentially feminine mind—'government by boys and widows,' as Archbishop Arundel puts it. But is it right to talk (p. 315) of 'the silence of his enemies' as proving that the king's personal conduct and private character were unimpeachable? Richard's enemies were anything but silent in this respect, though whether there was anything in their charge is another matter.

A few slips and omissions are, of course, inevitable in a work involving masses of detail. In vol. i, p. 45, Brampton (Northamptonshire) should evidently be read Bampton (Oxon), where the Valencés held property. On p. 48 the mise of Lewes is said to have been 'uttered by Louis IX and Boniface VIII'. The reference is to the *Annales Londonienses*, but these say correctly that the mise was confirmed by Urban (IV) and again by Clement (IV).⁴ On p. 93 the treaty of 1318 is represented as having been signed at Leek in Staffordshire instead of at Leake in Nottinghamshire, as Professor Tout has shown.⁵ The Gascon places which have puzzled Sir James on p. 213 should be identified, it may be conjectured, as follows. For Sales read Salies (near Orthez), for Sarrafront read Saint Front (on the Dordogne, opposite Lalinde), for Danteyras read Landiras, near Langon, which was a fief of the de la Mote family mentioned in the docu-

³ *Chronicon Angliae*, pp. 88-93.

⁴ *Chronicles of Edward I and Edward II*, i. 212.

⁵ *The Place of Edward II in English History*, p. 121, note 3.

ment. On p. 276 the note on firearms might have been supplemented by a reference to Professor Tout's article in the twenty-sixth volume of this Review. On p. 313 *Philip van Artevelde* should be *James*. On p. 403, 26th August should read 6th. On p. 426 Arnaud de Cervole's nickname of 'Archiprêtre' is translated 'Archdeacon', and so much of the humour is lost. The archdeacon has always borne a reputation for rapacity and predatory habits, whereas the rural dean's characteristics would ordinarily be humility and domesticity. Was Richard II's use of the title, 'Full Emperor' of England (ii. 319), as vainglorious as it sounds? Was it not rather a commonplace of the new 'national' publicists from John of Paris onwards? ⁶ To the list of Richard's portraits should not the Wilton picture be added? On p. 375 Argua should read Arquà. But we do not wish to dwell on these small points, and desire to end by expressing the warmest thanks to Sir James Ramsay for his long labours and to congratulate him yet again on bringing them to so successful a conclusion.

G. BASKERVILLE.

Survey of the Honour of Denbigh, 1334. Edited by P. VINOGRADOFF and F. MORGAN. (*Records of the Social and Economic History of England and Wales.* Vol. i.) (London: Milford, 1914.)

THE British Academy's new Record Series could not have made a better start than with this elaborate and scholarly edition of the Denbigh Survey, and Professor Vinogradoff has laid students of social history under yet another obligation. The Survey, which is of capital importance as a picture of Welsh tribal society in a region mainly pastoral, before English influence and the Black Death had blurred its original features beyond recognition, is, of course, a well-known document. It was largely used by the late Dr. Seebohm in his *Tribal System in Wales*, in an appendix to which some fifty pages of extracts from the Survey were printed. But little more than its evidence on the structure of tribal society is there discussed, and the extracts, which are given in record type, form a very small fraction of the complete text. Professor Vinogradoff was therefore fortunately inspired in setting an unusually strong seminar to transcribe and extend the whole document from the manuscript given by Dr. Seebohm to the Maitland Library at Oxford, and to contribute sections to the introduction. The editors (who found an efficient substitute in Mr. Weaver, when called off for a time by other occupations) have secured uniformity in the extension and collated the text with two other manuscripts. As far as one can judge without inspection of the originals, the transcription is very accurate. Here and there, quite naturally where sums in Roman figures abound on every page, figures more or less clearly incorrect are found. Occasionally attention is called to the error in a note, but in a few cases we are left in doubt whether the scribe, the transcriber, or the printer is at fault. An x, for instance, has been omitted in the estimated profit of an improvement on p. 5, shown by the total two pages on to have been xxxiis. viiiid. On p. 11 xiii in l. 5 should be xi, and iiiii in l. 34 has lost a preceding xx.

⁶ R. Scholz, *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz' VIII*, p. 232.

The total number of acres rented at Ysgeibion (p. 32) is given as cclxxvii, but the true figure is clearly dclxxvii. In one case (p. 12) the correct figure is supplied from MS. H, but without the usual intimation that it is the right one. A few obvious omissions in the text are subject to the same doubt as to their author. In one passage (p. 45, l. 31) 'quinte partis' has dropped out before 'quinque parcium'. The name of the first *lectum* at Meifod is omitted on p. 222, l. 10, and that of the Wele Rees on p. 248, l. 21. In other cases the mistake is plainly the scribe's, but is not pointed out by the editors. Thus the lord's share of the vill of Segrwyd is understated by no less than 400 acres (p. 11). 'Trebotle,' on p. 28, should be 'Escorebrithl', a slip reproduced in the early part of the introduction (p. xx), but silently corrected in a later section (p. cvi). Another curious scribal error which has escaped detection is that which credits the gavell of Grono ap Morgant with the possession of a sixth part of the vill of Bachymbyd instead of a sixth of the vills of Caeserwydd and 'Lughern' (p. 46). An eighth part of Llwyn could not be lxxvii acres (p. 64), for that *villata* only contained 137. In the *supersunt* clause under Prees (p. 107) there is an intrusive 'non' which makes nonsense of the passage.

In regard to the Welsh place-names, the editors retain the anglicized forms of the text throughout the introduction, contenting themselves with supplying the modern Welsh forms, where discoverable, in brackets on the map and in the *index locorum*. It would, perhaps, have been well to have appended the latter to the heading of each vill and used them in the introduction. In the index 'Escorebrithl' (Esgairebrill) does not appear.

Attention might have been drawn to the occasional occurrence as Welsh Christian names of such obvious importations as Osbern, Philip, Ralph, and probably Edred. The last is particularly interesting if Edred ap Marghyd, whose prolific *progenies* at Abergele and elsewhere fills a table of many folds, really bore an Anglo-Saxon name. The surnames of the English tenants of the honour of Denbigh are also of interest. They show that most of them came from Lancashire, Cheshire, and the West Riding of Yorkshire, in all of which Henry de Lacy, the first English lord of Denbigh, had estates. In the sketch of the history of the honour which forms the first section of the introduction, Lacy's charter to the burgesses of Denbigh is given a date which really belongs to the royal exemption from tolls in Wales and the border counties. The political vicissitudes of the age are reflected in the names of the lords who followed Lacy in rapid succession: Thomas of Lancaster, Hugh le Despencer, Roger Mortimer, William de Montacute. It is noted from the *Calendar of Close Rolls*¹ that in June 1354 the second earl of March was suing for restitution in the honour, but the writer has overlooked evidence in the printed *Calendar of Patent Rolls* that he obtained a verdict in his favour before January 1355. As a whole the introduction is an excellent piece of work, elucidating clearly almost every aspect and difficulty of a document the meaning of which cannot be mastered without an effort. The section

¹ Owing to the confused order of documents in these rolls, references given as here, to the date only, are often very difficult to verify.

on 'Kindreds and Villages', though anonymous, is presumably by the chief editor. Miss Lodge deals with 'Woods and Waste', Mr. Todd with 'Agriculture', Miss Neilson with 'Rents and Services', Mr. Arthur Jones with 'Officers and Agents', Miss Lees with 'The Unfree', Mr. Weaver with 'English Tenurial Arrangements', and Mr. Whitwell with 'Urban Population'. The evidence of the Survey is everywhere carefully compared with the ancient laws of Wales and with similar records both of Denbigh and of other Welsh districts. We could ask for no more comprehensive commentary on our text. With so many hands at work, however, it is not surprising to find an occasional want of uniformity between the different parts of the introduction and between the latter and the notes² below the text. When we are told that the *Welle of Seisel ap Canon*, at Taldragh, 'which was neither purely free nor purely native,' had followed the prince to war, 'ut alii liberi de commoto' (p. 146), it is explained in a note that 'evidently only the free members of the mixed progenies are liable for this military service'. Miss Lees, on the contrary, suggests, and doubtless rightly, that it was in virtue of this very military service, and perhaps of suit of court, that the Taldragh *nativi* were considered partly free. There is a similar difference of interpretation of the ploughing and harrowing services recorded in the *cymmwd* of Rhos Isdulas. Mr. Todd says they were actually rendered in 1334 on the demesne of Dinorben Vawr (p. xlvi), and the reference to these services in Miss Lodge's article (which opens with an exaggerated estimate of the influence in the honour of the English manorial system) does not exclude the same reading of the passage. But, as Mr. Weaver points out, these services had been commuted and Dinorben and the other three manors of the honour were probably 'little more than farms worked for the lord of Denbigh by hired labour' (p. cix).

Another little matter in which the introduction is open to criticism is the reference several times to 'trefgevery' and 'treweloge' tenure without an explanation. In Mr. Whitwell's article on the urban population, referring to the passage stating that the castle with 'the township of the borough within the walls' contained 9 acres, 2 roods, 7 perches, he quite rightly comments that these figures can only cover the actual *enceinte* of the castle, beyond which was 'the outer vill without the walls'. He should, however, have added that the outer *enceinte* of the castle included a large part of the slope of the hill below the castle-gate proper. The town church of St. Hilary, the 'Capella de Dynbeigh' mentioned in the Survey, was within this wall. In this connexion objection may be taken to the note on p. 52 which asserts that the burgage rents were not included in the fee-farm rent of £24. If so, where are they accounted for in the Survey? It is worth note that these rents were in most cases merely nominal (generally 1*d.* per annum) at Denbigh and Abergele, where the burgesses were English, while at Llanrwst, where the burgages were held by Welshmen, the minimum rent was two shillings.

JAMES TAIT.

² In note (1), p. 4, the figures 66 and 44 should be 56 and 4 respectively, and in note (t), p. 96, for 7,700 acres read 8,800.

Year Books of Richard II. 12 Richard II, A. D. 1388-9. Edited for the Ames Foundation by GEORGE F. DEISER of the Philadelphia Bar, Librarian of the Hurst Free Law Library, Cambridge. (Cambridge, Massachusetts: Harvard University Press, 1914.)

FEW medieval texts make larger demands upon their editors than do the collections of decided cases known as Year Books. At the outset of his task the editor is faced by an unsettled controversy as to the nature and object of his material. The mere task of collecting and appraising his manuscripts is a heavy one; and their number—twenty-two in the present case—is not more embarrassing than the fact that their diversities are often unaccountably important. The relations between the official reports on the Plea Rolls and those in the Year Books can only be discovered by much labour and ingenuity; and the difficulties of language and legal technicalities are very great. The basis of the present volume is necessarily the French text; and with a few exceptions there is no reason to doubt that the text provided gives an accurate representation of the particular manuscript employed, and that the critical notes furnish all the important variations given by the other chief manuscripts. An examination of the rather badly executed 'fac-simile' given on p. 6 confirms this view, though it is difficult to comprehend why one manuscript should be given in fac-simile, while the text is drawn from another. There is a better 'fac-simile' on p. 74¹ of the book, but as it bears no relation whatever to the pages of the edition which it is stated to represent, it cannot easily be used for purposes of comparison. It may seem invidious to refer to so small a slip; but it is only one out of a number of little things that point to haste or lack of system in the preparation of this edition. A list is given of ten counsel who appear in the cases reported in the volume; a brief examination of the volume will furnish almost as large a list of counsel who have been overlooked. From the list of judges the name of Pinchbeck, chief baron of the exchequer, is omitted, as indeed his court is from the courts mentioned. On p. 56 a mysterious John Locrell is mentioned, and on p. 123 a new peer called John Lord Loriei of Holand or John Loriei of Holand occurs in the Year Book; while the text of the Plea Roll furnishes us with a variant Locrell twice repeated. Surely it would have been worth while to take the small amount of trouble required to ascertain that Locrell or Loriei were simply blunders for Level.

Again, in a law-book edited by a lawyer one does not expect to have to point out errors in the translation of elementary legal phrases. But on p. 135 and on p. 136 the words *debiti compoti* are translated 'accounts rendered', which suggests that the editor, forgetting the existence of the two actions of debt and account, had combined them into one hitherto unknown. Again, the form of a fine is as well known as any legal document devised by the wit of man; yet on p. 55 there is a recital of a fine which begins as follows:

'Inter Gilbertem Pecche et Isoldam uxorem eius queritur per Walterum de Fylyngham pronominatum loco eorum ad lucrandum vel prodendum et Simonem Pecche deforciator de manerio de Corby.'

¹ The correct reference is p. 84.

A passage of this kind tells its own tale; it is hard to believe that the person responsible for printing it can ever have seen a fine, or thought out the principles governing the printing of Latin texts. There is indeed an illuminating reference to this matter in the editor's introduction (p. xxvii), where it is remarked that 'The extension of the Latin abbreviations has been a matter of some doubt owing to the lack of authority as to medieval Latin'. Now as to one point this is perfectly true; no one can state definitely how a scribe thought that a place-name should be extended, and it is quite clear that in the few cases in which such extensions are found, the practice varies. But with this exception, apart from rare blunders, the seat of authority for all Latin is in the usual place, the Latin Grammar; and it is merely a misconception to suppose that a scribe writing in the fourteenth century was of any other opinion, or claimed the liberty to break Priscian's head at his own pleasure. Such phrases as 'hoc presenti carta',² 'per brevem suum',³ 'ad veritatem dicendi',⁴ 'querelam in Comitatu (? Curia) Gloucester tenitam',⁵ 'ad curiam tenitum'⁶ would have shocked a fourteenth-century clerk quite as much as they do a modern reviewer. The suggested emendation of 'curia' for 'comitatu' is in itself an unhappy one and prepares the reader to find on p. 210 'solid tables', or 'sound floors' suggested as a translation of *tabulas secures* in a list of carpenter's goods. The use of a Latin grammar and dictionary would have explained that *secures* was no part of *securus*, and that here as usual it meant axes. It is needless to pursue the matter further, except to say that on the first of the pages numbered 143 alone there are no less than twenty-four instances of grammatical or other blunders, and that this is not an isolated instance. The most wonderful thing of all is that the abstracts of these transcripts are, apart from a few blunders, reasonably well done.

The number of Year Books now at the disposition of the student is getting to be very considerable, and possibly for lawyers trained in the history of law the provision of a text and a translation may be sufficient, especially in the cases in which the record can be discovered. But where the case is in any way complicated, more than this is assuredly needed. For instance, in this volume there is a long and curious case headed *Notebeme v. Malore* relating to the manor of Corby in Northamptonshire. The record is also printed and there seems no reason to doubt that the two accounts refer to the same matter. But if the two independent accounts are compared, it is quite impossible to avoid the conclusion that both the enrolment on the plea roll and the report in the year book fail to give a full report of the case, and that even where they both report the same matter there are grave discrepancies between them. Any explanation of this presents difficulties; and it seems not unreasonable to suggest that some help by way of exegetical comment is here needed by the reader. The note in the table of cases on p. 22 gives no indication of the real issues in question. Or take another case where it would have been well to give some critical assistance. On p. 71 begins the case of *Servyngton v. Reynold*. It is an interesting case in its personal aspect,

² p. 208.³ p. 206.⁴ p. 212.⁵ p. 157.⁶ p. 157.

dealing with an alleged putting away of an heiress into a monastery in order that her inheritance might fall to her half-sister. The action was brought by the maternal uncle of the heiress against her brother-in-law to recover the wardship of the heir. On p. 150 there is a report of another action brought by the same uncle against the prioress of Minchin Buckland for detaining the same ward. The intelligent reader has, however, to discover for himself the connexion between the two suits; and he is not assisted in his researches by the fact that the plaintiff is called Carnyngton in one suit and Cernyngton in the other. In fact, so far as the index goes, every care has been taken to keep the two cases apart (Servyngton and Cernyngton). Surely something in the nature of a note on the connexion of the two cases would have been permissible.

It would be unfair not to recognize the energy shown by the editor of this book, and not to admit that many of its faults are due to nothing but inexperience. It would be still more unfair not to point out that the cases reported are often of great interest and value. Possibly subsequent volumes of this series may attain a higher standard of general merit and deserve the praise that one would gladly accord to them.

C. G. CRUMP.

The Reign of Henry the Fifth. Vol. i. By JAMES HAMILTON WYLIE, M.A., D.Litt. (Cambridge: University Press, 1914.)

THERE is a tragedy in the lamented death of Dr. Wylie on the eve of the appearance of the first instalment of his long-promised history of Henry V. The work is one which no other hand can continue. It is given to few to possess the patient industry to gather material from so vast a variety of sources, and to marshal the product into orderly form. Whatever criticism may be directed against Dr. Wylie's method of writing history, no one who has used his books can gainsay their value as a storehouse of information on every aspect of national life during the period of which they treat. *The Reign of Henry V* has the same qualities as the *History of England under Henry IV*. The scale is if anything larger, and this substantial volume of nearly 600 pages covers a period of little over two years, ending on the eve of the departure for the campaign of Agincourt. There can be little in contemporary sources at all pertinent to the subject which has escaped the author's notice, and few expressions of opinion on the part of later writers which have not received attention. Such a work is of course invaluable to the student, but it results—inevitably—rather in a collection of material for history than in a history in any true sense of the word. The history of the past must after all be selective, and the endeavour to sweep everything into the net is a habit which grows on the worker with practice and enlarged knowledge, until it is apt to get beyond his control. So the defects, which, it must be admitted, marred Dr. Wylie's previous work (especially in the later volumes), present themselves here in a more extreme form. Both text and notes tend to be more burdened with minute details and discursions, until it is difficult to follow the real course of the narrative. The development of Henry's diplomacy is so important for the understanding of his policy, that it was right to devote

some space to the discussion of the foreign relations of England at the beginning of his reign. So we get chapters on Scotland, Brittany, and Spain and Portugal. But in the last of these the author grows so much interested in the internal affairs of Castile and Aragon, the career of Vincent Ferrer, and the rise of Henry the Navigator, that the essential question of the relation of England to the Peninsular kingdoms is put quite out of perspective.

The tendency to digress on any side issue that presents itself spreads into the notes: the history of Sheen Priory is followed by an account of later dwellers on the site, ending with Sir William Temple and Jonathan Swift, to be supported by two notes on the personal appearance and birth of Stella; this may be interesting, but it has nothing to do with Henry V, and those in search of such information would not think of seeking it in this volume. Such instances as these force one to the conclusion that the writer himself had often lost his way in the mass of his material. This criticism seems to be borne out by the multiplied citation of authorities in the notes in cases where the actual statement of fact is given by one alone, and borrowed from that source by the others. This reaches a climax when the casual mention that William Cromer was mayor of London in 1423 is supposed to require the citation of four separate London chronicles (p. 268); or when (on p. 265) the Cotton MS. Claudius A viii, *Caxton's Chronicles*, and the *Brut* are all quoted as authorities for one fact, though they are only three copies of the same work. This overburdening of the notes has led to abbreviated references which are very puzzling; it took even the present writer some time to perceive that 'Kingsford, Biogr. 60, 68' meant '*English Historical Review*, xxiv. 60, 68', and to most people the problem would be insoluble. It is clear from Dr. Wylie's references to appendixes that he has left some material in a more or less finished form, and when, as is greatly to be hoped, it is published, it is important that the supplementary volume should include also a full bibliography of works cited, as well as a more detailed index. Without such aids the most valuable quality of the book is in danger of being lost.

The nature of Dr. Wylie's method makes it impossible to give any general review of the contents of his book. No broad principles are enunciated, and even on such a question as Henry's own character the author's opinion can only be gathered from incidental allusions, which seem to indicate that his judgement was not altogether favourable. Dr. Wylie speaks several times of the 'foxiness' of Henry's diplomacy, though he admits that the foxiness was not all on one side. Is the idea which this word suggests quite fair? Does it not by the application of a modern standard to medieval methods imply a dishonesty of intention which did not exist? Dr. Wylie seems to come nearer the truth when he observes 'it is clear that the demand for the crown of France was treated on both sides as a mere diplomatic opening, not meant to be taken seriously'. Dr. Wylie accepts the evidence of the 'Translator of Livius' for the wildness of Henry's youth. He 'expects that the Translator will turn out to be James Yonge'; Yonge may possibly have been Ormonde's scribe, but he cannot possibly be the 'Translator', who did not write till 1513. In a subsequent note (on p. 195) Dr. Wylie confuses the

Translator's narrative with the English version of the Pseudo-Elmham in Harley MS. 530. The tennis-ball story is rejected on the ground that 'such a flagrant affront must have at once put a stop to all further intercourse'. This would certainly be true if we had to regard it as a step in the regular diplomacy; but if we take it as a mere bit of by-play intended and received as a jest it is not out of keeping with the time; it is difficult to account for it as a mere invention. It is in the discussion of topics such as these that Dr. Wylie becomes most interesting. When a subject like Fusori's visit to England attracts his interest, Dr. Wylie shows that he could tell a story well, and makes the reader forget that it is not wholly pertinent to the matter in hand. But those who are familiar with the *History of Henry IV* will know that it is in the treatment of such subjects that they must look for the most vivid interest, and perhaps the chief value of the work. Another topic of more strict relevance, the treatment of which deserves notice, is the account of the conditions of military service and the preparations for the war, where Dr. Wylie's capacity for collecting minute detail stands him in good stead. Scattered through the book there are useful notices of Henry's itineraries; they would perhaps have been more serviceable if they were all brought together in an appendix; possibly there may have been some such intention. Dr. Wylie had such a love for truth that he would I am sure have welcomed correction on one or two points of London topography. In a note on p. 360 he overlooks the fact that La Reole and Tower Royal were identical, though as he correctly observes Royal Street had nothing to do with a 'turre regia'. In another note on p. 160 the Coldharbour is confused with 'The Erber' which was quite a different place; this note would have been much improved by a reference to Dr. Philip Norman's article in *Archaeologia*, vol. lvii; it is a pity that here and elsewhere Dr. Wylie quotes Stow from Strype's edition, where the original is often misrepresented.

C. L. KINGSFORD.

Spiritual Reformers in the Sixteenth and Seventeenth Centuries. By RUFUS M. JONES, M.A., D.LITT., Professor of Philosophy, Haverford College, U.S.A. (London: Macmillan, 1914.)

THIS is a series of studies dealing with a number of religious teachers who in the sixteenth and seventeenth centuries represented a type of Christian religion, called by themselves 'spiritual', which, in Professor Rufus Jones's opinion, 'harmoniously united' three tendencies, 'the Mystical tendency, the Humanistic or Rational tendency, and the distinctive Faith tendency of the Reformation.' This enumeration is probably not uninfluenced by that of the elements of religion given by Baron von Hügel in the *Mystical Element in Religion*, but it is characteristic that the third element recognized by Professor Jones in the religion of the 'spiritual reformers' is quite different from the 'institutional', which in Baron von Hügel's classification ranks beside the 'mystical' and the 'speculative' elements. These reformers were all inclined to deny a fundamental importance to the 'institutional' element; and Professor Rufus Jones is here in sympathy with those of whom he treats. A good

account of Luther, which is incidentally given, would have been still better than it is had the author shown more understanding of the sacramental experience which meant so much to the German reformer; and one misses any serious consideration of the question whether the anti-institutionalism of the great religious society which has embodied for later generations the tradition of the 'spiritual' reformation, the Society of Friends, may not have been to it a weakness, even if closely associated with some sources of its strength.

Professor Rufus Jones points out very clearly how the 'spiritual' reformers broke with the dogmatic theology of the protestant churches by giving a 'new and fresh interpretation of God' and 'a transformed eschatology'; how, in direct antagonism to the main current of protestant thought, they laid stress upon the freedom of the human will; and how they diverged from that identification of the 'Word of God' with the Scriptures which, though no part of Luther's original teaching, became characteristic of the second generation of protestantism.

The first 'spiritual reformer' described by Professor Jones is Hans Denck, often called an Anabaptist, but distinguished from the rightful bearers of that name by his refusal to treat the gospel as a new law, to be literally followed and obeyed by all who can claim to be called saints. His Christology, as here described, shows some interesting anticipations of Ritschlianism. The same may be said of that discussed in the next chapter as taught by Bänderlin and Entfelder, two 'prophets', as Professor Jones calls them, 'of the Inward Word'. From them we pass to a more celebrated teacher, Sebastian Franck, an 'apostle of inward religion', who, in his zeal for the complete independence of the individual heart and conscience, denied the necessity of any external or visible church at all. To him, Plato, Plotinus, and 'thrice-great Hermes' had 'spoken more clearly than Moses'. He was at the opposite pole to the prevalent bibliolatry. 'In Pentecost all books are transcended.' He found God nearest when he seemed farthest away; as to Christ himself his Father was never nearer than when he cried 'My God, my God, why hast thou forsaken me?'

To Sebastian Franck succeeds Caspar Schwenkfeld, whose revolt from externalism in religion culminated in the *Stillstand*, or suspension of the use of the Lord's Supper 'until the right understanding and true practice of it according to the will of the Lord should be revealed'. This policy, in which he was followed by others among the 'spiritual' reformers, was the occasion of his breach with Luther. From Schwenkfeld we pass to Sebastian Castellio, whose refusal to surrender to the masterful Calvin his judgement in matters of religious creed and practice caused him to be driven from the college headship to which the same Calvin had previously appointed him. His opposition to Calvin did not end here. He answered the elder reformer's defence of the burning of Servetus and upbraided him with a retrogression from the New Testament to the Old. Next to Castellio comes the Dutchman Coornheert, by whose writings, which he had been selected to refute, the famous Arminius was himself changed from a champion to an opponent of Calvinism; and, with him, his countrymen the Collegiants. Of these, some, like him, adopted the attitude of 'seekers',

standing apart from the outward ordinances of Christianity and waiting for a fuller revelation. George Fox had an interview with a leader of these people, and later on they were by outsiders often confounded with the quakers. Other Collegiants were philosophically disposed, and with some of these Spinoza stood in intimate relations.

The eighth chapter deals with Valentine Weigel and 'Nature-mysticism', and the ninth and following with his greater successor, Jacob Boehme. Professor Jones brings out very well the originality and profundity of the *philosophus Teutonicus*, and no part of the book before us is more interesting than the account of his influence in England, which is the subject of chapter xii. The whole body of his writings were translated into English by John Sparrow and John Ellistone between 1647 and 1661—that is, during the whole period covered by the Commonwealth. Professor Jones shows clearly that George Fox must have been indebted directly or indirectly to Boehme for some of his phraseology; and recalls his welcome by Justice Hotham, who was a professed disciple of the Silesian prophet. One of the early quakers, Francis Ellington, found a prophecy of Fox and the Friends in Boehme, much as in an earlier age the 'spiritual Franciscans' had found prophecies of their order and its founder in the Abbot Joachim. But the sect of Behmenists in England were condemned by the quakers for their use of 'mediums'; in other words, of the sacraments, which the quakers themselves had abandoned. Professor Jones's thirteenth chapter deals with several little known but very interesting 'English interpreters of spiritual religion in the seventeenth century', John Everard, Giles Randall, and others; and his fourteenth with 'spiritual religion in high places', as represented by Cromwell's friend and councillor, Francis Rous, by Milton's hero, Sir Harry Vane, and by Peter Sterry, who was practically one of the 'Cambridge Platonists', to whose leader, Benjamin Whichcote, the fifteenth chapter is devoted. Whichcote's favourite text, 'The spirit of man is the candle of the Lord,' seems aptly enough to indicate the general attitude of his school, with whom it became a tradition to quote it, a tradition which was, by the way, carried on by Butler in the next century. After Whichcote comes John Smith, and after him Traherne and his kindred singers.

We may thank Dr. Jones for a clear and attractive account of a movement which, however it may sometimes have ignored permanent elements in human nature, certainly often succeeded in bringing into the religious life of the time of the 'wars of religion' a 'sweetness and light' whereof it stood sorely in need.

C. C. J. WEBB.

Calendar of Letters, Despatches, and State Papers relating to the Negotiations between England and Spain, preserved in the Archives at Vienna, Brussels, Simancas, and elsewhere. Vol. x, Edward VI, 1550-2. Edited by ROYALL TYLER. (London: H.M. Stationery Office, 1914.)

MR. TYLER'S second volume has followed close upon the heels of his first, and a third is already in the press. This unwonted expedition does not appear to be accompanied by an increase of carelessness in the editing, and we are glad to note that Mr. Tyler has anticipated our criticism of

his previous volume by making it clear in his introduction that he has personally examined the archives, the contents of which he is editing, and is not merely calendaring transcripts made by others and deposited in the Public Record Office. The fact that Charles V's English correspondence was preserved at Brussels until the evacuation of the Netherlands by the Hapsburgs, in 1792-3, has withheld a knowledge of the most important of these documents from investigators who limited their researches to Simancas; and the bulk of this volume has not, we think, seen the light before in any form. Mr. Tyler has, moreover, taken unusual pains to elucidate his materials, and it is almost surprising to find the editor of a calendar visiting localities and examining parish registers, as Mr. Tyler has done, in search of corroborative detail for the vivid narrative he prints of a Dutch secretary's attempt to carry off the Lady Mary to the Netherlands, out of reach of Edward VI's religious uniformity. A word of commendation should also be found for the excellent account he has compiled (pp. 101-4) of the complex tolls and dues on Anglo-Dutch commerce, which constituted an inexhaustible source of friction and diplomatic negotiation between the two countries.

On the other side of the account there are a few trifles to be set. We do not like some of Mr. Tyler's grammatical forms—'I beseeched him' (p. 24), 'the alum may be recuperated' (p. 20), 'they were trying to deviate the Princess from her holy purpose' (p. 252). His conjecture (p. 9) of 'Mr. Leigh' for Van der Delft's 'Mr. Ely' is undoubtedly right, and Mr. Tyler might have found in the *Acts of the Privy Council* the evidence for which he sought in vain of Leigh's imprisonment in the Tower; but Catherine Howard's mother was not the widow of Sir John Leigh.¹ 'Weynfort' (p. 12) was not Sir Anthony Wingfield, but Thomas, first Lord Wentworth; Wentworth, as Van der Delft correctly states on p. 39, succeeded Arundel as lord chamberlain in February 1550. Wingfield was vice-chamberlain and should not be confused with his chief (pp. 20, 39). The 'good duke Philip' (p. 137) was not Philip the Good, but the archduke Philip the Fair. Pembroke's house at Wilton was near Salisbury, not near Shrewsbury (pp. 562, 566). On p. 265 Mr. Tyler has a somewhat gratuitous note in which he says he has been unable 'to find any German reformer with a name even remotely approaching "*Musculus*", and conjectures Melancthon or Micronius: Wolfgang Musculus has a column and a half of references in Gough's index to the Parker Society's Publications, and there are a fair number in the general index to Strype's works. Mr. Tyler needs to furbish up his acquaintance with the general history of the period: to say that Charles V 'retired to Villach' in May 1552 (p. viii) is a euphemistic description of his headlong flight across the Brenner, and it is astonishing to find in Mr. Tyler's survey of that year no reference either to the Treaty of Chambord (or Friedwald) or to that of Passau.

These papers are none the less of great interest. Van der Delft, it is true, was recalled in May 1550, dying a month later, and Schefve, who succeeded him, was not more conversant with the English language and politics; and there is practically no information about religious changes,

¹ See *Dict. of Nat. Biogr.*, s.v. Catherine.

for Charles V and his ministers saw no distinction between the first and second books of common prayer, and confounded all objectors to the sacrificial mass in an indiscriminating detestation. But there is a great deal of matter about the continued peasants' risings of 1550-2, the unpopularity of Warwick's rule, the discontent of Derby and Shrewsbury, Warwick's favour to Knox and disfavour to Cranmer, Somerset's efforts to restrain his rival and recover power, French intrigues in Ireland, the doings of Cabot and Ribault, and the council's dealings with Mary. The nature of this last dispute comes out more clearly: Mary's household was considerable (pp. 5-8), she had six chaplains who said mass every day in the presence not merely of her household but of numbers of neighbouring gentry, and she used her licence to hear mass privately as a means of flying the flag of resistance. Charles V cautioned her more than once, and even went so far as to say that she must submit to anything short of compulsion to participate in heretical services. As a matter of fact she was never actually deprived of her privilege of hearing mass.

With respect to the trial and execution of Somerset Schefve has no doubt whatever that the charges were trumped up by Warwick in order to get rid of a rival whose existence became more and more dangerous with Warwick's growing unpopularity; and his conclusions are practically identical with those I ventured to express, without any knowledge of these sources, some sixteen years ago. Schefve's account of the Protector's execution corroborates that given in Ellis's *Original Letters* and in Stow down to the minutest details; and Mr. Tyler promises to conclude the general argument by printing in his next volume the hitherto unpublished confessions of Northumberland on the scaffold. There remains one source, the revelation of which would be of the greatest importance. 'Nothing,' writes Schefve, 'is done without the French ambassador's advice' (p. 393). Unfortunately the dispatches of Boisdaulphin have disappeared, or at least have never seen the light; they would assuredly be invaluable for the critical period of Warwick's government. Schefve writes as an enemy; he suspects Warwick as early as 1551 of designing the removal of Edward VI as well as of Mary, and the establishment of a Dudley dynasty (pp. 377, 592). Even so, the publication of these volumes suggests the need for a fresh study of the career of the most sinister politician in English history.

A. F. POLLARD.

Lollardy and the Reformation in England. An Historical Survey by James Gairdner, C.B., LL.D., D.Litt. Vol. iv. Edited by WILLIAM HUNT, M.A., D.Litt. (London: Macmillan, 1913.)

THIS volume, the fourth of Dr. Gairdner's last work, deals with the reign of Mary down to her marriage. It was left unfinished at his death, and the last chapter (book viii, ch. vii) has been rounded off by large editorial additions. Furthermore, the veteran's great weakness and failing sight prevented a final revision by himself. The editor's labours were therefore heavy beyond the common lot, but they have been given, as we should expect from Dr. Hunt, most carefully and ungrudgingly. It is pathetic to read in the preface of the promise made in 1906 by the

future editor to undertake this mournful task if Dr. Gairdner's life—then of about seventy-eight years—were cut short and his material left unpublished. Happily six more years were allowed him, and so he was able to finish nearly four volumes, not merely 'a volume' or 'perhaps two'. Dr. Gairdner's extraordinary knowledge of the material, his intense interest in his subject, and his characteristic readiness to learn (and therefore to correct) gave the task he undertook a singular importance. On the other hand, the way in which it was begun made it a difficult one, as the present four volumes grew out of an attempt to explain and justify the conceptions and conclusions found in his *History of the English Church from the Accession of Henry VIII to the Death of Mary* (Macmillan, 1902). The first volume was concerned mainly with the history of the earlier Lollards, but also carried us into the reign of Elizabeth in order to show the conceptions of the Reformation current then; the second and third volumes were more consecutive. The present volume covers the beginning of Mary's reign and has not so many digressions as its predecessors had. If therefore we have, on the one hand, fewer chances of knowing what the author thought on many sides of his subject, it is easier to grasp the book as a whole. It is, as may be said at once, extraordinarily careful and fair; the material, while as abundant as in the other volumes, is kept under stricter control, and the episode of Mary's reign is studied by itself and for itself. Any reader must feel the interest and importance of such a study, but he must also regret that Dr. Gairdner did not leave behind him a full history of the English Reformation written, as it were, from the inside and on a scale somewhat the same as we have here. Careful corrections of current dates and statements are made, often incidentally (e.g. pp. 131 and 132 n., on the dates for parliament and convocation in 1552; p. 119 n., and appendix, p. 128, upon Froude's treatment of Bishop Gardiner), and we have, in the editor's note to the final passage quoted from the one-volume history of 1902, a correction of Dr. Gairdner's own earlier views: he came in the end to consider Charles V, in urging the Spanish marriage, to have had concern more for the safety of Flanders than for the conversion of England. These small and incidental things, apart from their own value, illustrate Dr. Gairdner's characteristics as a scholar.

The first half of the volume is a detailed study of the circumstances which led to Mary's marriage, and their various factors and forces are clearly shown. There was Mary's regard for Charles, her earlier friend and protector; there was her own weakness unfitting her to bear, as Elizabeth could, the burdens of rule by herself; then there were the duels between two parties in the council, and between Simond Renaud and Noailles, the latter contest being one of many wiles and few scruples. The political and diplomatic interplay, and the result of the opposing forces, are sketched in an excellent piece of work. We have the trained student of records bringing a clear historical narrative out of materials thoroughly known and admirably handled.

Much in the work reminds us of S. R. Maitland's *Essays upon Subjects connected with the Reformation* (1849). That very interesting book, along with the same writer's *Dark Ages*, made impossible once and for all many views and statements previously put forth about the Reformation. They

did for one period of history just what Maitland's gifted grandson said (see Fisher's *F. W. Maitland*, p. 3) his grandfather's work on the Albigenses had done for another. The present volume, following Dixon's excellent fourth volume, carries on the process of historical adjustment and gives us the reign as it can be sketched by itself, much as Professor Pollard's *Political History* gives it us in a wider setting. It is a reign, if we can judge from work already done—such as Dixon's, Bass Mullinger's (in the *Cambridge Modern History*); and for outside relations Pastor's last volume—easier to treat than other reigns in the same period, and it has accordingly brought out some qualities not discerned so readily in Dr. Gairdner's other writings. At the same time we have all the qualities previously seen. We have here as before sketches of 'heretics' such as Edward Underhill 'the Hot Gospeller' (pp. 308 *seq.*), Thomas Mowntayne, parson at Whittington's College, or St. Michael's in the Tower Royall (p. 323 *seq.*), and John Philpot, archdeacon of Worcester, who at a conference in convocation (1553) bore himself soberly and learnedly according to himself, but with 'ignorance, arrogance, insolence, and pertinacity' according to the Canterbury register (p. 133 *seq.*). In such sketches the vivid human sympathy of the writer had full play. He dealt with these matters of records and narrative to discover the truth he loved so well about the human life and human interests he loved as much. More, perhaps, because of this sympathy than because of his rare diligence, fairness, and knowledge his readers grew into a feeling of friendship for the guide they learnt to trust.

J. P. WHITNEY.

The History of the Grain Trade in France, 1400-1710. By ABBOT PAYSON USHER. (Cambridge, Massachusetts: Harvard University Press, 1913.)

SINCE it was started, in 1906, the series of *Harvard Economic Studies*, carried on mainly by students of Professor Gay under his inspiration, has taken a leading place amongst University publications on economic history. Dr. Usher's volume maintains the high level of the best of the series. It is based mainly on an elaborate study of the administrative correspondence of the last half of the seventeenth century, but an adequate historical approach has been supplied by an investigation of the medieval market and of its gradual transformation as revealed in the municipal archives of Paris and Lyons. Dr. Usher's central achievement lies in his carefully discriminating account of the great variety of agencies by which, under a great variety of continually changing conditions, the limitations of the local market were transcended. In the medieval market the producer was supposed to sell only to the consumer; but in all towns there were middlemen, and in all large cities there were specialized corn-dealers who bought in the weekly markets and sold day by day. These *blatiers* could not as a rule export corn to another town without a licence; but in course of time this operation was tolerated, though not legalized, in the lesser local markets, and thus the small surpluses of a plentiful area were transferred to regions of greater scarcity. The small transactions of the *blatiers* served as a basis for the larger operations of

wholesale merchants, who fed large centres. Thus in the fifteenth century the corn market of Rouen was furnished by ninety-nine licensed merchants who bought in Elbœuf, Caudebec, Duclair, and Audelys from *blatiers* who collected surplus corn from other markets. Another illegal basis for larger transactions was furnished by the hoards which the larger producers were compelled by the inadequate demand of the local markets to establish, and which came to be regularly visited by merchants from a distance, who indeed in some cases organized and financed the hoards themselves.

Dr. Usher has traced in great detail the development by these methods, and by permutations and combinations of them, of a regular connexion between the chief corn-growing regions of France and the great centres of consumption or the foreign market. The authoritative action of the municipality or the state was in the main a restrictive or negative factor, which was, however, neutralized by the private interests of officials who engaged largely in the trade, and by the fiscal interests of the Crown which licensed exportation. The positive factor was supplied by the private enterprise of individuals or of groups of merchants. A partial exception to this rule is found in the *chambre d'abondance* which attempted at intervals during the sixteenth and seventeenth centuries to maintain a sufficient supply of corn at Lyons; but Dr. Usher's very interesting study of this institution shows it to be an exception that confirms the rule. The first distinct emergence of a continuous wholesale market is found in 1699 at Bray, where peasants and *blatiers* brought their grain every day of the week, and merchants shipped it daily to Paris. This extension of the market was not authorized by any regulation, but experience had proved the custom advantageous. 'It was long', says Dr. Usher, 'before the full significance of this new market was impressed upon the administrative officials.' Yet he attributes a creative value to the tardy perception of this fact by the official mind and to the consequent partial adoption of freer methods. Progress in western Europe, he says, 'is the record of an extraordinary mastery of the physical environment by the resolution of many relatively obscure individuals—lawyers, administrators, and statesmen.' Why not of many still more obscure inventors, traders, and captains of industry? The philosophical theory of the state and its relation to society briefly outlined in Dr. Usher's closing pages seems to leave no room for economic or social progress except by the methods and sanctions of constructive statesmanship. This, however, is hard to reconcile with his view of Colbert as 'an ardent advocate of a policy designed to liberate trade from all obstacles hindering automatic adjustment'. But a divergence of opinion on both these points need not seriously affect our high estimate of the value of this very original contribution to economic history.

G. UNWIN.

English Church Life from the Restoration to the Tractarian Movement considered in some of its neglected or forgotten Features. By J. WICKHAM LEGG. (London: Longmans, 1914.)

It is well for the man who has an unfamiliar thesis to prove, if he will confine himself in the first instance to a setting forth of his evidence in

a very dispassionate manner. That is the course which Dr. Wickham Legg has very wisely elected to follow; and he has carried his self-suppression to an heroic point. His book is a very valuable collection of materials gathered together from very many sources, and skilfully disposed under such headings as 'The Eucharist', 'Observance of the Duty of Daily Service', 'The Church Building: its Furniture and Decorations', and many more. Nearly all are concerned with worship, either actual services, or devotional habits, or church ornaments. But there are at the end chapters which deal with kindred parts of church life, e. g. 'The Church Societies of the Period,' or 'Reunion Movements with Christians Abroad'. The thesis in question is the continuity of high-churchmanship in spite of the torpor of the eighteenth century. Here there is ample evidence that the 'deadness' of the Georgian period in regard to religion was very slow to permeate the whole church, and that the official latitudinarianism and indifference never wholly superseded church principles or piety. So far as literary sources are concerned, Dr. Legg has 'despoiled' every sort and class of literature, and drawn the passages of his long and orderly catena from every kind of printed volume. The result is more than a monument of industry; it is an invaluable historical compendium which will enormously lighten the labours of future investigators and historians. Further, it is readable, and even attractive to the large class of readers who prefer having their extracts made for them, to ploughing for themselves through likely but often disappointing acres.

The thesis might profitably be further backed by the evidence of records with which Dr. Legg does not deal. Buried away under the dust of registries, episcopal and archidiaconal, are many documents which are prepared to yield up to the investigator the secrets about dioceses, parishes, clergy, and sometimes laity, which the rulers of the church elicited, and sometimes in great detail, even in the eighteenth century. Canon Shuffrey has recently printed¹ the Visitation Questions of Herring, as Archbishop of York, and the replies made in 1743 so far as concerns a particular group of parishes. In this rather remote district of North Craven in Yorkshire nonconformity was almost unknown, church-going was universal. Opportunities of Communion varied from a minimum of four yearly to the maximum of a monthly celebration. The number of 'houses of folk' is not, no doubt, what it had been: but that of the actual communicants at Easter exceeds in almost every case the number of families. In one parish it is nearly double. Such statistics as these must exist, at any rate in some degree, elsewhere, and it would be interesting to have such information available to set side by side with Dr. Legg's evidence. But it would need even more than the diligence and patience of Dr. Legg to accomplish the task. He has called attention to the immense interest of the church history of the eighteenth century: and his book may well inspire younger men to get to work studying it, and it will also undoubtedly set forward any such student a good long way on his road.

W. H. FRERE.

¹ *The Churches of the Deanery of North Craven* (Leeds, 1914).

Harrington and his Oceana. By H. F. RUSSELL SMITH. (Cambridge: University Press, 1914.)

MR. RUSSELL SMITH has written a very learned and interesting volume, and it would be difficult to improve upon his account of the man himself and of his political ideas. When, however, we come to the consideration of Harrington's influence in America, it is impossible to follow Mr. Russell Smith in all his conclusions. It is indeed probable that the Carolina Fundamental Constitutions, the West New Jersey Concessions, the East New Jersey Fundamental Constitutions, and the Pennsylvania 'holy experiment' owed not a little to Harrington's inspiration; but Mr. Russell Smith surely overshoots the mark when he speaks of the Carolina Fundamental Constitutions as enjoying even 'a partial existence'. Professor Channing writes that they 'never had the force of law within the province'; whilst, though there are certain principles common to Harrington and the builders of the American colonial constitutions, the particular proposals of Penn, which were most likely to have been borrowed from Harrington, broke down hopelessly upon trial. It did not need a political philosopher's leading to recognize that under the conditions of American colonial life ownership of land must be the main stronghold of political power; and a quaker would hardly have to sit at the feet of Harrington before preaching the doctrine of religious toleration. It reads strangely to be told that Penn 'was not marked by the austerity and dourness of the typical Puritan'. What would have been the feelings of a typical New Englander, on finding puritans and quakers mixed up together! Considering the short time that Penn remained in Pennsylvania he can hardly be described as 'the greatest American of the seventeenth century'. However democratic may have been his political ideals, Penn would assuredly not have described himself as 'a republican'. It would be interesting to know the authority on which Mr. Russell Smith describes him as the intimate friend of William III, as well as of James II. Again, we are told that the New England colonies 'started as corporations and gradually achieved self-government by the transference of authority from England to the seat of the corporation's activity'. This is, of course, true of Massachusetts; but it is not true of either Connecticut or Rhode Island. Mr. Russell Smith might well have added a note of exclamation to the statement of T. R., which he seems to adopt as his own, that in all the other colonies (except Pennsylvania) there was only one chamber.

In dealing with Harrington's influence on the American Revolution, Mr. Russell Smith has no difficulty in showing that his writings were familiar to James Otis and, still more evidently, to John Adams; but, when he approaches the framers of the American Constitution, there is no proof of any connexion. It is surely a significant fact that in the *Records of the Federal Constitution*, according to the careful index contained in Professor Max Farrand's great work, whereas the name of Montesquieu occurs eight times, and that of John Locke four times, that of Harrington was not mentioned. Mr. Russell Smith believes that 'the Constitution was not thought out round a table in Philadelphia. The men who debated there discovered the way to unite a disunited people under a common govern-

ment and produced the first great example of a modern federal state ; but the ideas on which they founded the Constitution were independent of federalism.' This is a hard saying ; and so far as it is not a truism is, I think, false. Still, one may not always agree with the author, and yet recognize the merits of a thoughtful and scholarly volume.

H. E. EGERTON.

Macaulay's History of England. Illustrated Edition. Vols. iii and iv. Edited by CHARLES HARDING FIRTH. (London : Macmillan, 1914.)

THE third volume of this valuable publication contains so many events of historical and political interest, that any form of actual contemporary illustration cannot fail to intensify the extreme interest of the period. The invasion of England by the prince of Orange, the flight of King James II and his queen to France, the coronation of William and Mary, the siege and relief of Londonderry, all call for illustration, that the eye may follow, as the historian shows the way. It is a drawback that although the graphic arts flourished with remarkable vigour during this period both in England and Holland, these arts were for the most part uninspired and unattractive. When an occasion is found for introducing engravings or paintings of the French school, it is evident at once that it was in France that the sacred flame of artistic inspiration was being kept alive. This period also marks the introduction of what may be called journalistic art, topical portraits, satirical prints, broadsides, and other productions, quickly and easily printed, sold at a very cheap price for popular use, and for the most part quickly consigned to the waste-paper basket. These prints are, however, of great value for historians, even if they seem in some cases to be the mere dry bones of history. It is all the more incumbent therefore for the historian of such a period to examine and criticize closely the value of such documentary or artistic evidence. The historians of our own days, if little survived but the evening papers and their placards, with perhaps some of the weekly society journals, might be led to compile a very false history of events. Lies once in print are difficult to destroy. Fortunately the editor of these volumes, Professor Firth, can be relied upon to perform the duties of an historian in this line, duties which Lord Macaulay himself would probably have regarded with some indifference. Even, however, with so picturesque a writer as Macaulay the appreciation and proper understanding of great events are greatly assisted by the presence of the actual performers in the drama as it were upon the stage. The lumbering conventions of periwigs, armour, and similar accessories cannot wholly disguise the insistence of personal character. Take for instance the chief actors, William of Orange, James II, and Louis XIV. Is not their history written in their faces ?

We notice that in vol. iv the editor has made a wider use of original portraits, and has not relied as before too indiscriminately on the engraved portraits of the period. An original portrait such as that of Claverhouse, reproduced in colours as frontispiece to the fourth volume, is not only particularly attractive and interesting as a portrait, but, as a work of art, is the best of the rather disappointing colour-plates which have been

inserted to suit modern taste. Again, such portraits as those of George Savile, marquess of Halifax, by Lely, at Hardwick, or of William Carstairs, by Aikman, at the university of Edinburgh, have a direct appeal to the reader, which the engraved portraits as a rule fail to convey.

We alluded before to the risks involved in trusting too implicitly to portraiture of this period. It is difficult to accept any portrait of William Penn as authentic, and the same perhaps may be said of the portraits of George Fox. The well-known and delightful portrait of Philip, Lord Wharton, by Van Dyck, painted as a youth in 1632, seems historically out of place as an illustration to the year 1690. Vol. iv contains two portraits of Admiral Lord Torrington, one an English print showing a large black patch on his right cheek, the other a Dutch print showing a similar patch on the left cheek. Even such a small detail as this is worth treating with historical accuracy.

LIONEL CUST.

An Historical Journal of the Campaigns in British North America for the Years 1757, 1758, 1759, and 1760. By Captain JOHN KNOX. Edited with Introduction, Appendix, and Index by A. G. DOUGHTY. In 3 vols. Vol. i. (Toronto: The Champlain Society, 1914.)

FEW books, perhaps, have been more often quoted by historians and more seldom seen by readers than Knox's *Historical Journal of the Campaigns in North America*, which has never been reprinted since its first publication. The Champlain Society has done well to bring it once more to the light of day; though one could wish that it could reach a wider public than can, of necessity, be reached by the expensive volumes of a learned society. Meanwhile all that learning and labour can do, by means of notes, maps, and illustrations, to add to the value of the original volumes has been done by Dr. A. G. Doughty, the accomplished Canadian archivist. The present instalment does not go further than the July of 1759, breaking off after Wolfe's unsuccessful attempt to storm the heights of Montmorenci, and after the capture of Ticonderoga by Amherst, who, 'by his incomparable measures and steady perseverance, compelled the enemy to abandon a Pass which has proved for several years back a desperate thorn to his Majesty's subjects of New England, New York, &c., and frustrated all our endeavours since the commencement of the war'.

Knox is generally very trustworthy in his narrative and does not show prejudice or bias, although perhaps he somewhat exaggerates the military merits of Amherst, to whom his history is dedicated. This being so, it is the more to be regretted that Amherst did not exert his influence to prevent the closing years of one who, in his way, had done good service to the British army, from being overshadowed with a sense of disappointment and bitterness. On his death his widow was left with the income of £26 a year, and on appealing to the war office she was informed that 'the Compassionate Fund is confined to officers' widows and orphans who have no other provision'.

Those who look for fine writing or pregnant generalization will not approach Knox. His strong point is that he sets down faithfully and clearly his own observations; whilst, when he had to depend upon the

information of others, he took good care that the information supplied should be trustworthy. It was characteristic of the ill luck which seems generally to have dogged him, that he found himself confined, during the years 1757 and 1758, to the tedious duties of posts exposed to the raids of the French and Indians, whilst others had the chance of showing their mettle in the expeditions against Louisbourg or Fort Duquesne, or in the disastrous assault of Ticonderoga. The houses of the village of Annapolis (for, though it had been the capital of the colony, before the foundation of Halifax, it did not deserve the name of town) Knox found to be mean and in general built of wood. He records gloomily that

though we are said to be in possession of Nova Scotia, yet it is in reality of a few fortresses only, the French and Indians disputing the country with us on every occasion, inch by inch, even within the range of our artillery; so that . . . when the troops are not numerous and cannot venture in safety beyond their walls, the necessity of importing fire-wood from other places appears obvious.

Thus forts surrounded by forests of all kinds of excellent wood had depended for their fuel upon Boston.

As an example of the isolation of life in these posts may be cited Knox's graphic account of the arrival of the news of the reduction of Louisbourg:

September 6. This day a sloop arrived from Boston. . . . At length, the vessel being come near enough to be spoken to, I called out—'What news from Louisbourg?' To which the master simply replied, and with some gravity, 'Nothing strange.' This answer, which was so coldly delivered, threw us all into great consternation, and we looked at each other, without being able to speak; some of us even turned away, with an intent to return to the fort. At length one of our soldiers, not yet satisfied, called out 'Damn you, Pumkin, is not Louisbourg taken yet?' The poor New England man then answered: 'Taken! ay, above a month ago and I have been there since; but if you have never heard of it before, I have a good parcel of letters for you now.'

'Troops that are confined to the retired forts in this country', Knox wrote in another place, 'lead a very insipid, disagreeable kind of life; soldiers are naturally fond of activity; the want of a good collection of books is a sensible loss to the officers, and the constant same in all we hear and see is tiresome, one day being the dull duplicate of another.' In this state of things it was no wonder that the officers of the garrison petitioned that in the next campaign the 43rd Regiment might be employed with the expeditionary force. Meanwhile Knox made good use of his time by closely observing and recording the climatic, geological, and zoological conditions of the country in which he found himself.

Although Knox cannot be accused of prejudice, he had the natural contempt of the professional soldier for the New England amateur. Thus under date 30 March 1758 we are told that

it was reported at Boston that the particular department of the New England troops this campaign would be the reduction of Canada; this was matter of great mirth to us, and an officer, who was present, humorously replied, 'let the regulars remain in the different forts and garrisons, to hew wood and dig sand, &c.; then the French will be finely humbled in America'.

With regard to Loudoun's failure in 1757 to attack Louisbourg, Knox honestly came to the conclusion that his inaction was inevitable; an

intercepted letter having shown that a fleet of twenty-two French vessels of the line had arrived there, and that, exclusive of a garrison of 3,000 men, they had an army of 4,000, entrenched up to their necks, with twenty-five pieces of cannon and three mortars. Probably Loudoun's fault lay not so much in the abandonment of the 1757 Louisbourg expedition as in his previous withdrawal from the American colonies, where the French troops should have been defeated before attempting offensive operations. It has been seen that during 1757 and 1758 Knox was in the backwaters of Annapolis and Fort Cumberland; but the accounts he was able to obtain of the ill-fated attack upon Ticonderoga and of the reduction of Louisbourg in 1758 prove that he showed judgement in his choice of correspondents.

Fortunately for himself and for posterity Knox with his regiment served in the Canada expedition of 1759. Dr. Doughty, who, along with Colonel W. Wood, is the highest living authority on this particular period, writes :

The *Journal* of Knox, from the landing of the troops on the island of Orleans in June 1759 until the capitulation, is particularly valuable, on account of the description he gives of the battle of the Plains and of the numerous orders, which he includes. Most of the details of the daily operations can be gleaned from other sources. For the remainder of the campaign his work is one of the best, and probably the best, of our sources of information.

Knox, as has been said, was not given to character painting, but what more vivid idea of Wolfe's nature could be obtained than from the following anecdote? A new drill exercise had been introduced, and

some commanding officers of corps, who expected to be also reviewed in their turn, told the general, by way of apology, that, by their regiments having been long cantoned, they had it not in their power to learn or practise the new exercise. To which he answered, 'Poh, Poh, new exercise, new fiddlestick! If they are otherwise well disciplined and will fight, that's all I shall require of them.'

The moral of Wolfe's remark has been often forgotten by the general staffs of military powers.

H. E. EGERTON.

George III and Charles Fox; the Concluding Part of the American Revolution. By the Right Hon. Sir GEORGE OTTO TREVELYAN, O.M. Vol. ii. (London: Longmans, 1914.)

WHOEVER values good English and historical learning, employed on a congenial subject, will feel deep regret at the announcement that Sir George Trevelyan's work on the American Revolution has now been brought to a close. He writes that he has been enabled to conduct his 'narrative of the American Revolution, and of English parliamentary politics, contemporary and connected with that great event, up to that exact moment in the history of the two countries which I have had in view as my goal ever since I first approached the subject'. Nevertheless, the resignation of Lord North in 1782 seems a curious date at which to end a history of George III and Charles Fox; for, though the doings of the new ministry are shortly summarized, there is no account of Fox's work as secretary of state. Similarly the story of the American Revolution ends with

the capitulation of Yorktown; and avoids all mention of the difficult negotiations by which independence was secured, and the subsequent efforts in America which were necessary to secure the fruits of that independence.

It is hardly necessary for us now to discuss the strong and weak points of Sir George Trevelyan's work on the American Revolution. Keen admirers may confess that it does not succeed in, and perhaps does not aim at, covering the whole ground, and is rather a brilliant picture of certain aspects of the subject than an attempt at a comprehensive treatment. One notes with pleasure a certain growth of mellowness and urbanity in the attitude assumed towards the American loyalists in the later volumes. Lord Sandwich and Lord George Germain are fair game, whom the most cautious of critics need not wish to champion. Still, in order to blacken Germain, one need not whitewash Burgoyne or Howe; and one reader, at any rate, has an uncomfortable suspicion that, had they not been good opposition politicians, Burgoyne, whose failure was not all due to instructions from home, and Howe, who deliberately avoided taking the one measure which might have given success to Burgoyne's expedition, would have received harder measure at the hands of the author. (Howe, indeed, has been singularly fortunate in his critics; and even Mr. John Fortescue seems to forgive him his faults of strategy in admiration of his undoubted tactical abilities.) A strong point in these volumes has always been the accounts of military operations wherein Sir George has had the expert assistance of Colonel Gerard Boyle. The chapters on the war in the south are of exceptional interest, and the author has known how to do justice to the merits of Greene, without failing to appreciate the work done by the guerrilla leaders, Sumter and Marion.

Sir George Trevelyan has naturally unbounded faith in the wisdom and good sense of Washington; it is interesting therefore to compare his optimist opinion, that, though the influence of congress dwindled gradually as the war went on, 'that defect was supplemented by the fierce energy and the singularly effective machinery of the local administration', with Washington's own view of the situation. 'Certain I am,' he wrote in May 1780,

unless Congress speak in a more decisive tone; unless they are vested with powers by the several states competent to the great purposes of war, or assume them as matter of right, and they and the states respectively act with more energy than they hitherto have done, that our cause is lost. We can no longer drudge on in the old way. By ill timing the adoption of measures, by delays in the execution of them, or by unwarrantable jealousies, we incur enormous expenses and derive no benefit from them. One state will comply with a requisition of Congress; another neglect to do it; a third executes it by halves; and all differ either in the manner, the matter, or so much in point of time, that we are always working uphill and ever shall be; and, while such a system as the present one, or rather want of one, prevails, we shall ever be unable to apply our strength or resources to any advantage.

Sir George writes that, 'as the war progressed, executive power was passing from the national assembly to the state governments. The change was not acceptable to Washington, for he belonged to the school of American statesmen who were keenly, and even vehemently, opposed to the principle

of decentralization.' Washington himself would have strenuously maintained that he belonged to no school of thought. His judgements on the question were forged white hot in the furnace of political necessity.

In his attack upon British officials and their system of government our author is not always altogether consistent. Thus he criticizes the British authorities for refusing local self-government to New York and Long Island ; but a few pages later he quotes with approval the opinion of Andrew Elliot on the practicability of getting a law passed for the purpose of enforcing the collection of custom duties in the province of New York. 'The province of New York', Elliot wrote,

is in rebellion and under a usurped legislation except Long Island, Staten Island, and the small island on which the town is situated, one-third of which town lies in ruins—the necessary garrison and public departments occupying two-thirds of the buildings that escaped the fire ; and Forts, Posts, and Barracks dispersed over all the three islands, make the whole territory in possession of his Majesty's arms in the province in fact a garrison.

It may be said that local self-government stood on a different footing from an assembly purporting to speak for the whole province. Still we may recognize that the difficulties in the way of even the more modest proposal were not inconsiderable.

Sir George Trevelyan has read widely and, of course, makes the best use of his authorities ; but he is perhaps not always too critical in his choice of those authorities : e. g. to establish the well-attested fact that huge profits were made by the leeches, who, by means of illicit gains, drained in America the life-blood of British resources, he lays great stress on the evidence of Thomas Jones, 'a judge of the Supreme Court of New York'. That Jones was justified in his general accusations there can be no manner of doubt. (It was established before the royal commission on the American loyalists' claims that the two Bayards of New York made, the one at least £13,500, the other between £16,000 and £20,000 in a lawful manner out of business connected with the war.) Nevertheless, Jones in his history shows himself singularly devoid of the gift of judicial impartiality. Every New Englander is to him a cheating hypocrite ; and he is at least as violent in his denunciations of Sir William Howe and his relations with Mrs. Loring as he is in his abuse of the frauds connected with the army. There is a passage in the volume to which recent events have given an added piquancy. 'As always has been the case,' Sir George writes, 'it was said in London that the Guards were too fine gentlemen for the rough business of war ; and, as always has been the case, that sort of gossip was contradicted when the campaign opened.'

It is suggestive that of a volume consisting of 459 pages, the sub-title of which is 'The American Revolution', not more than 215 pages are, even indirectly, concerned with that great issue. It would seem that, with all his gifts of nature and of learning, Sir George Trevelyan is too much circumscribed by the view that the revolution owed its origin to the wretched blunders of small-minded officials in England and America. He does not recognize that important factors, social, economic, and political, were at work, making for disruption, to prevent the success of which there was need of a wiser statesmanship than even the best whigs of the

eighteenth century possessed. It is the historian's misfortune that Fox, who is his hero, was a brilliant party politician to whom the larger issues of the struggle were apparently a sealed book; though one may note that even the wise Burke, in his search for a remedy, harked back to a buried past. And so it is perhaps from the absence of a wider outlook that Sir George Trevelyan tends more and more to revert to the congenial field of British party politics. To all appearance he fails to see behind the small details of the American struggle

‘dirae facies inimicae Troiae
numina magna deum’.

H. E. EGERTON.

The Life of Charles, third Earl Stanhope. By GHITA STANHOPE and G. P. GOOCH. (London: Longmans, 1914.)

THE third Earl Stanhope was in more respects than one a remarkable man, and this sufficient though rather lifeless memoir of him was well worth writing. He had an extraordinarily active mind, a genius for invention, and a great knowledge of mechanics. At seventeen he wrote an essay on the construction of pendulums which was awarded a prize by the Swedish Academy, and while still a young man invented a means of preserving buildings from fire, an improvement in burning lime, a new method of covering roofs, and two calculating machines. He was one of the pioneers in the gradual evolution of the use of steam as a motive power for ships, and during many years devoted much labour and money to his experiments, which he carried on in spite of disappointment, public ridicule, and discouragement from the navy board. Other naval problems excited his ingenuity: hearing that Fulton had built a ‘diving-boat’ for the French capable of blowing up a first-rate man-of-war, he patented an invention for safe-guarding ships against submarine explosions. Among his other inventions were the ‘Stanhope lens’; an improvement in the process of stereotype printing, made over by him to the Oxford University Press, which, after the adoption of papier mâché for the moulds, became an assured success; and a new system of tuning instruments with fixed tones which, though unsatisfactory, is a witness to the versatility of his genius.

In politics his undaunted and indeed intemperate opposition to everything which seemed to him a restraint on liberty may probably in some degree be traced to his early education and associations, for he lived with his parents at Geneva from his eleventh to his twenty-first year. As Lord Mahon he stood for Westminster, while still a minor, in opposition to the government candidates and was defeated, and it was not until six years later, in 1780, that he entered parliament, being returned for Wycombe, one of Lord Shelburne's boroughs. His zeal for reform added a political tie to his friendship with Pitt, his cousin and brother-in-law, and he vigorously attacked the coalition ministry. No explanation of his refusal to accept office under Pitt is attempted by his biographers; his refusal Dr. Holland Rose, whose assistance is gratefully acknowledged in Mr. Gooch's preface, considers the strangest of all the rebuffs Pitt

encountered in forming his administration ;¹ it may be suggested that it was caused by a feeling of loyalty to Shelburne. In spite of one passage of arms over the minister's first budget, no coolness arose between the brothers-in-law until Pitt abandoned the cause of reform. Their friendship ceased on the eve of the outbreak of the war with France, for Stanhope, who succeeded his father in 1786, attributed the war to the desire of the ministry to destroy French liberty. His attacks in the house of lords on the policy of the government were passionate in tone. As a speaker 'Citizen Stanhope', as he encouraged his democratic admirers to call him, was loud-voiced, voluble, and given to ungainly action ; his vehement speeches were received with jeers by the lords, and his unrestrained language caused association with him in politics to be regarded as dangerous even by men generally in sympathy with his ideas. But he was convinced of the soundness of his own opinions, was absolutely fearless, and enjoyed a division which left him in a minority of one. In 1795, after, not for the first time, attaining that position, he discontinued attendance in the house for five years. On the renewal of the war in 1803 he amused his brother peers by asserting that if the questions in dispute between Great Britain and France were left in his hands he could arrange them satisfactorily to both countries.

At the same time Stanhope did important work in the cause of civil and religious liberty. He opposed the repressive measures taken by the government, upheld the claims of the Roman catholics, and was the original author of the catholic protestation, urged the repeal of laws which, though mainly obsolete, were capable of being used, and were indeed sometimes used, to the injury both of catholics and protestant dissenters, successfully opposed Sidmouth's proposal to compel dissenting ministers to serve in the militia, was a vehement opponent of the slave-trade, and strove manfully and not wholly without effect to ameliorate the lot of poor debtors. Unfortunately this fearless champion of public liberty was a domestic tyrant : he was a bad husband and a bad father, and his eldest son was compelled to bring an action against him to restrain him from improper dealings with the estate entailed on his heir. One after another his wife and children left him. The marriage of his youngest daughter with the family physician he considered, democrat as he was, a *mésalliance*, and he never forgave her ; she and her brother Mahon were cared for by Pitt as well as their eldest sister, the famous Lady Hester, to whom he became strongly attached. Stanhope passed the last years of his life in the society and under the dominance of 'a very bad woman as ever lived', who half starved him and his household in order to make a purse for herself.

W. HUNT.

Περὶ τῆς οἰκονομικῆς διοικήσεως τῆς Ἑπτανήσου ἐπὶ Βενετοκρατίας. Ὑπὸ Ἀνδρ. Μιχ. Ἀνδρέαδου. 2 τόμοι. (Ἐν Ἀθήναις, Τυπογραφεῖον "Ἑστία", 1914.)

PROFESSOR ANDREÁDES is well known in England for his *Histoire de la Banque d'Angleterre*, published eleven years ago and reviewed in these pages,¹ while he has written in Greek or French a series of valuable smaller

¹ *William Pitt and National Revival*, p. 155.

¹ *Ante*, xx. 375.

treatises on the history of the Greek loans, Byzantine finance, the financial administration of Greece in the Turkish days, the financial obligations of the former Turkish provinces, Ali Pasha and Gladstone—two very different types—as economists, and the British Protectorate over the Ionian Islands. The work before us is the only thorough attempt that has been made to grapple with another Ionian subject—the economic administration of the Seven Islands during the four centuries of Venetian rule. The author has an exhaustive acquaintance with the voluminous literature of the Ionian Islands, of which he has given us a capital bibliography; but he has not confined himself to printed sources, otherwise this book could not have been written; he has had access to a mass of unpublished materials, partly furnished by such learned Ionian scholars as M. Tsitséles of Cephalonia, M. Zóes of Zante, and M. Dellakóvias of Cerigo, and partly derived from the Venetian archives. The result is an immense addition to our knowledge of an important section of Greek history, clearly and agreeably placed before all who can read Greek, while a French analysis is intended to stimulate the curiosity of the economist who is not a Hellenist.

The first volume deals with the Venetian administration of the Islands in general, while the second treats separately of each of the five *camere*, or 'departments', into which the Seven Islands and their insular and continental dependencies were divided by the Venetians. The present fiscal system, as the author shows, dates from the law of 1835, which raised the revenue from duties on the four principal exports—oil, currants, wine, and soap—and which, with the exception of the wine duty, practically remains unchanged fifty years after the union with Greece. Previously to the law of 1818, which abolished a number of taxes of Venetian origin, the Venetian system still obtained, for the French had not disturbed it during their two occupations, and the Septinsular Republic had left it almost unchanged. Of that system the author expresses the opinion that it was fortunate for the Islands to have been taken, and lost, by Venice at the time when they were. For at a period when freedom was unattainable, Venice was probably the best, or rather the least bad mistress, for she saved them from the far worse rule of the Turks. As Professor Andréades shows, the fiscal principles applied by the Venetians to their Ionian subjects were not unsuited to the peculiar local conditions; it was in their practical application that they gave cause to grave abuses. Justice was venal, and the poor nobles, the *barnabotti*, whom Venice sent out as her officials, added to their salaries by conniving at crime. Thus he quotes the well-known Zantiote radical deputy, Lombárdos, to the effect that the wife of a Venetian governor of that island used to shout with joy, 'Oil, oil!' as soon as she heard a shot fired, in allusion to the oil warrants, the equivalent of cash, which her husband received for acquitting the murderer. Towards the close of the Venetian domination a cash payment could sometimes ensure the entry of a man's name in the 'Golden Book'—the Venetian equivalent of the sale of titles—while nothing was spent on education, lighting, a water-supply, or roads, except at the very last. Yet much might have been done for the Islands, for their budgets showed a collective annual surplus of at least 180,000 ducats.

But this surplus was spent in, not on, the Ionian Islands; it was mainly expended in Corfù for purposes of defence, especially after the loss of Crete. In other words, Venice administered the Islands in her, not in their, interest, and opposed the development of native industries just as England opposed the Irish wool trade in the eighteenth century.

The second volume contains a mass of interesting details. The author shows that all the Islands paid their way, except Cerigo, which was always financially a loss although geographically valuable, and Corfù, whose deficit was due to military expenses. With Corfù were included the islands of Paxo and Antipaxo, and the Epeirote stations of Phanari, Parga, Bastia (the modern Sayada), and Butrinto with its valuable fisheries, now alone of these places separated politically from its natural market. Cephalonia (with which went Ithaka) was the most productive of revenue, and its merchant marine was towards the close of the Venetian period, as now, the largest of the Seven Islands. Zante suffered most from the Venetian administration; nowhere was so little of the local revenue spent in the locality; nowhere were the taxes more oppressive or more numerous; nowhere were the illicit gains of the Venetian officials larger. Consequently, when, in 1809, the British occupied Zante, the change was beneficent—although between 1797 and that date some reforms had been accomplished—and Professor Andréades has rescued from oblivion the proclamation of General Airy freeing the Zantiote harvesters who went over to the opposite coast from all exactions. Santa Maura (with which went Preveza, Vonitsa, Meganisi, and the adjoining islets) was conspicuous for the number of its small taxes and for the extent of the domain land taken from the Turks. An account of the currant duties and the salt and tobacco monopolies completes the second volume; it was to the currant trade of Zante that was due the settlement in the Islands of English families, one of which, that of Sergeant, still flourishes there (i. 155, n. 2).

The perusal of these volumes makes us look forward to the third, in which Professor Andréades proposes to describe Ionian finance between 1797 and 1814 and during the British Protectorate.

WILLIAM MILLER.

The Government of the Ottoman Empire in the time of Suleiman the Magnificent. By A. H. LYBYER. (Cambridge, Massachusetts: Harvard University Press, 1913.)

The Development of Modern Turkey as measured by its Press. By AHMED EMIN (*Columbia University Studies in History, Economics, and Public Law*, lix. 1). (New York: Longmans, 1914.)

Of these two books, whose appearance supplies striking evidence of the interest taken in Turkey by the United States (due, perhaps, in the first instance to the number of Americans engaged in missionary and educational work in the Ottoman Empire), the second is little more than a pamphlet, written by a westernized Turk to inform public opinion on the aims and achievements of the national liberals in his native country. He belongs to the section of Turks of which Kiamil Pasha used to be the figure-head, and the account which he gives of the genesis and development

of Turkish journalism is full of interest, but it does not convey the impression that much of solid worth has been achieved by, or much regeneration is to be expected from, mere press-work. The trail of the Levantine character is upon Ottoman journalism. It is too individual, too evanescent, too empty, too irresponsible. It trusts overmuch to theories and ideas, neglecting their application and the conditioning facts. Consequently it has little or no influence on the action of the government, as recent events have sufficiently demonstrated. Still our author gives us valuable information on certain preliminary stages in the evolution of a new world in the Levant, whose end is so far off yet that it cannot be foreseen.

Professor Lybyer's book is more weighty. It purports to analyse the essential conditions of Ottoman government at the acme of its strength, both internal and external, which was contemporary with our own Elizabethan epoch. The analysis seems to us of very high value, not only as an historical record but also as a means to understanding the present position of the Turks. The author is a prominent member of the modern school which maintains that the Ottoman Empire, by the circumstances both of its origin and of its early development, is a member of the European political family rather than of the Asiatic. This contention comes out strongly in Professor Lybyer's very interesting introduction, but it is not allowed to impair his historical candour, and his readers will find all necessary materials for controlling his view. For ourselves, while we recognize the justice and value of the author's statement of the very considerable Christian elements which were already incorporated in the Ottoman nation before it invaded Europe, of the Byzantine elements in its political and social organization, and of the subsequent influence exerted on the one hand by the exclusive use of men of Christian extraction to conduct the civil and military government down to the seventeenth century, and, on the other, by continual intermarriage with Aryan races—while we recognize all this, we find the Ottoman polity and society, none the less, from first to last, far more Asiatic than European, even on Professor Lybyer's own showing. We cannot blink the fact, and, to his credit, he does not blink it either, that all the most essential conditions of Ottoman society and polity have been throughout Asiatic—the religion of the governing class, a religion which orders social life on one pattern of its own in every particular; the family basis of society; the predominant language; the most important of its governmental ideas, which Professor Lybyer himself traces back to China, to Persia, and to the Tatar steppes. When all these conditions are taken into account, the residuum to be allowed for the influence of borrowings from Byzantium, and of Aryan ideas innate in the renegades, who actually administered and expanded the empire, is of far less importance. The Ottoman polity was manned by occidentals, it is true, but they were orientalized and therefore, in effect, of Asia. The sum could only have come out as Professor Lybyer wishes, had the reverse been true—namely, that the Ottoman polity was run by orientals westernized, and therefore, in effect, of Europe.

But however radically we may have disagreed with the author's implicit conclusion, we read his introduction with no ordinary interest, and record our unstinted admiration of his fairness, his comprehensive knowledge, and

his arrangement of the material. Nor was our interest diminished when we came to the body of the book. By analysing the Ottoman polity into two main categories, which the author calls 'The Ruling Institution' and 'The Moslem Institution', he has made clearer, than has any one to our knowledge, the essential nature of the original Ottoman state in Europe and Asia, and the causes of both its early strength and its subsequent decline. No one who wishes to understand Turkey can afford to neglect this exposition. It is of interest not merely for the sixteenth century. What Professor Lybyer describes under the name 'Moslem Institution' exists to-day, little changed except by the all-important fact that it has practically abolished the rival institution and taken its place. That is why Turkey now is but a shadow of the Turkey of Suleiman, whose state was the best-ordered and strongest of the age and governed by a monarch quite appropriately addressed by our Elizabeth as the greatest and most illustrious of princes.

The strength of sixteenth-century Turkey lay in its 'Ruling Institution', recruited and educated in ways which make it one of the most amazing political experiments in history. It is true that neither of its two essential ideas—government by an imperial household recruited from aliens, and education of the recruits by state instruction in every function of life—was altogether new. The one could have been learned by the Turks from the Roman Empire, the other from Plato. But no other polity has ever realized those ideas so thoroughly as the Ottoman. It carried the first much further than the Caesars, by taking its recruits as children, giving them a slave status for life, changing their religion, and barring descendants from inheriting their functions. It carried the second much further than Plato's dream, by not limiting its education and control of the individual to youth alone. That such a system should have been both amazingly effective and bound to break down in time is obvious. The supply of good material among Christian children was gradually exhausted within the Empire, and after a while could not be increased by further territorial expansion. The growing body of their descendants, inhibited, because born Moslems, from the profits and glory of government careers, finally broke the monopoly and overwhelmed with the stagnation of an Asiatic religion the progressive potentialities of the secular caste. But both the hey-day of the old order and its decay are among the most interesting things in history, and to understand them Professor Lybyer's book should be read.

D. G. HOGARTH.

The Place-names of Sussex. By R. G. ROBERTS, M.A. (Cambridge: University Press, 1914.)

THIS book, 'originally written as a dissertation for the degree of B.A. with Honours in English Language and Philology in the University of Liverpool', has much the same merits and defects as the other works on place-names recently published by alumni and professors of the younger English universities. The author's general method of investigation is sound; his knowledge of the history of pronunciation and spelling in

middle and modern English seems to be adequate; and he has spent some pains in collecting the documentary evidence for the history of the names to be explained. On the other hand, his philology is often inaccurate; and he continually shows that he has made no sufficient preliminary study of English place-names in general. Moreover, his exploration of the obvious sources of information has not been exhaustive; his bibliography does not contain the names of Horsfield, Dallaway, and Cartwright, whose works have obviously not been consulted; and he often begins his list of the forms of a name with the thirteenth century when he could have found a tenth-century form in Birch or Kemble. Hence, while the book has some value as a collection of materials, and contains a certain number of sound etymologies, it falls very far below the standard of excellence which, at the present day, the work of a properly equipped student of the subject may reasonably be expected to attain.

One or two of the philological fallacies in this book are taken from Professor Wyld's work on *The Place-names of Lancashire*. Mr. Roberts holds that besides the known Old English *ĕa*, 'river' (Germanic **ah^wō*; not **ah^va* as Mr. Roberts writes), there was another *ĕa*, 'water-meadow', corresponding to the Old High German *ouwa*, the Germanic type of which is given as **a^γwa* (for **a^γwō* ?). But the Germanic type of *ouwa* is (I use Mr. Roberts's notation) **a^γwjō*; it is the addition of the *j* suffix that accounts for the accent-shift which brings Verner's Law into play; and the Old English form of the word is *īeg* (*īg*, *ēg*). Another similar figment is the alleged Old English **gĕa*, supposed to answer to the German *gau* and the Gothic *gawi*. Now the Old English equivalent of these words ought by phonetic law, if it existed, to be **gĕg* (*gīeg*, *gīg*); compare *hĕg* 'hay' = Gothic *hawi*. Some scholars have tried to find traces of this word in the names of Ely and Surrey, but I think they are mistaken. Mr. Roberts sees it in Southease (thirteenth-century *Suthese*, *Suthesse*), the Old English form of which he gives as *þæs sūðan *gĕas*, 'of the south farm'. A name formed on this principle would be something quite unheard of, and all the early spellings (including the Domesday *Suesse*, which is not mentioned) have a final *e*. Besides, the assumed inflexion of *sūð* as a regular adjective is, to say the least, unusual. It is not recognized by Bosworth-Toller; I have myself noted one apparent instance, but I suspect that *sūðan* is a mistake for *sūðran*. Mr. Roberts also follows Professor Wyld in his reluctance to admit the genuineness of the derivative suffix *-ing* followed by *-hām*, *-tūn*, &c., unless it is actually attested by pre-Conquest documents; a modern *-ington* or *-ingham* must (even if supported by thirteenth-century evidence) be regarded as an alteration of an Old English *-antūn*, *-anhām*. There are, of course, many examples of the analogical change exhibited in the modern Newington from Old English *æt þæm Niwan tūne*; but there are quite as many instances of the contrary process (phonetic or graphic) by which an authenticated Old English *-ing-* becomes *-en-* in Anglo-Norman records. In consequence of his perverse theory, Mr. Roberts has to invent such imaginary Old English genitives as *Ælfmōdan*, *Beornlāfan*, and *Wulflāfan*. I do not think he could produce a single instance from an Old English document of a *compound* masculine personal name having passed from the strong

into the weak declension. Another fallacy of Mr. Roberts's, for which his master is not responsible, is that the Old English *cg* always represents a 'front' sound. It really stands for *gg* whether 'back' or 'front'; it is the latter only under the conditions which produce umlaut in vowels capable of it. If Mr. Roberts had known this, he might have spared himself the trouble of accounting for the 'unfronting' of *cg* in *Bucganōra* (now Bognor). It never was 'fronted' at all.

Defective knowledge of Old English, as well as imperfect preliminary study of Old English place-names in general, is exhibited in Mr. Roberts's treatment of the name Twineham. This, as the early forms show, means 'between rivers' (Old English *bi twēon ēam*); it is identical with the original name of Christchurch in Hampshire, and it occurs in a Worcester charter (*Cart. Sax.* no. 350, A.D. 814) as *Bitwinæum*, the name of a place identified by Birch with Twining (Gloucestershire), between the Severn and the Avon. Although the spelling with *h*, on his own showing, is not older than the seventeenth century (the earlier forms being Twyne, Twynem, Twynom, Twynam, Twenem), Mr. Roberts says that 'the name was O.E. (*æt þæm*) *twīgan hamme*, (at the) double bend, i. e. the place where the stream bent twice'. There is no such Old English adjective as **twīg* or **twīge*, and the situation of the place does not fit Mr. Roberts's etymology, but does fit the correct one. The explanation of Mayfield as Old English *Mægfeld*, 'the field of the (Blessed) Virgin,' may appear plausible to those whose knowledge of Old English is confined to grammars and dictionaries, but will hardly commend itself to scholars. I would suggest, as a possibility, that the name may be *mægðfeld*, from *mægða*, the plant now called in dialects 'maythe' or 'mayweed'. The dropping of the *ð* was natural before a consonant, as the form 'mayweed' itself shows. The common Old English word *hriþer*, an ox, bull, or cow, is twice said to mean 'a ram', though elsewhere the correct rendering is given.

Mr. Roberts too frequently cites charters from Kemble's *Codex Diplomaticus* when it would have been better to use the more accurate copies given by Birch. He is unfortunately not aware that the marks of vowel-length in Kemble are mostly added by the editor. Hence he thinks that in *Horshām* (quoted twice from Kemble) 'the diacritics make it fairly certain' that the second element was *hām*, not *hamm*. He suggests that the first component of the name Tarring may be the same as that in '*Tærstán*' (Kemble, nos. 633, 652, &c.); but *Tærstan*, as it should be written, is the oblique case of the river-name *Tærste* (now Test), which is certainly pre-English.

It would be desirable that every book of this kind should contain an enumeration of all the names of rivers and streams appearing on the ordnance map of the district treated, with their early documentary forms so far as discoverable; and also that the forms of the names of unidentified rivers and streams occurring in early documents should be carefully tabulated, with an indication of the locality to which they belong. If this were done, etymologists would often discover that a place-name which gives them trouble is a compound of the name of the stream near which the place is situated. Storrington (Domesday *Storgetone*) is one of the very few Sussex names which Mr. Roberts does not attempt to explain. The

place stands on a river now called Stor. Of course it is often possible, and sometimes certain, that a river-name is a false inference from a supposed compound; but in this instance there are reasons for thinking the supposition unlikely. Mr. Roberts, so far as I have observed, only once mentions a Sussex river in the whole of his work, and that is when he says confidently that Arundel is 'simply the dell of the Arun'. Now the truth is that the name Arun is a sixteenth-century figment; it was evolved from Arundel, just as the two Sussex 'Rothers' owe their names to a misinterpretation of the names of places on their banks. The Sussex historians whom Mr. Roberts has neglected were aware that the old name of the Arun was Tarrant (to this day there is a 'Tarrant Street' in Arundel); and in an eighth-century charter (*Cart. Sax.* no. 145) Peppering (*Piperinges*) is said to be 'juxta flumen *Tarente*'. The river is the *Τρισάρτων* of Ptolemy, the development of form in the name being in accordance with phonetic law. But what then, it will be asked, is the etymology of Arundel? The answer, I think, is suggested by the Domesday form *Harundel* (beside *Arundel*) which probably represents the Old English *hārĥūn-dell*, from *hārĥūne*, horehound. The name has come down in a Norman-French form (without the aspirates) because it was used as the designation of the Norman castle.

While speaking of Sussex river-names, it may be well to mention that the name of the Adur has been shown by Professor Haverfield (*Proc. Soc. Antiq.* xii. 112) to have been invented by Drayton, who obtained the suggestion from Camden's guess as to the situation of the *Portus Adurni*. Professor Haverfield mentions several names attributed to the river by various writers; but the one piece of decisive evidence respecting its original name has, so far as I know, hitherto been overlooked. The earliest form quoted by Mr. Roberts for the name Bramber is *Bremre*, which occurs in a charter of A.D. 956 (*Cart. Sax.* no. 961). Now this, as an examination of the context will show, is the name, not of an inhabited place, but of the river 'Adur'. There can be little doubt that the Norman castle of Bramber (*Brembre castellum*, Domesday) from which the town took its rise, received its name from the river beside which it was built.

Like most other local etymologists, Mr. Roberts postulates for the purpose of explanation a large number of unauthenticated Old English personal names, the existence of which is merely inferred from their supposed occurrence in the compound place-name to be explained. This process is very often quite legitimate, especially when it yields a compound name that is regularly formed from elements common in Old English personal nomenclature. But many of the unattested personal names assumed by Mr. Roberts certainly never existed. In *Scrippanæg*, now Shripney, he finds the name of an owner; but *scrippa* is a topographical term in *Cart. Sax.* no. 390, of which we can only say that it was some object that served as a boundary mark. For Singleton¹ he proposes a personal name **Syngel*, which he thinks may have meant literally 'a singer'.

¹ The Domesday *Silletons*, *Sillentone*, presents a problem which cannot be discussed here.

Professor Wyld derives the Lancashire Singleton from an imaginary Old Norse name **Singulfr*. I have little doubt that the first element in both cases is the Old English **sengel*, which is found in the *Sængelpicos* of an eighth-century Sussex charter, and is probably a substantive (from *sengan*, to singe, burn), though its meaning is unknown. There is another instance in the name of Singlecross Hundred, which is in a part of Sussex a long way from Singleton. Mr. Roberts does not mention this; he has altogether ignored the names of the hundreds, which, when not identical with the names of towns or villages, ought certainly to have been treated of. There is no need to invent a personal name **Wyrm* to account for Warminghurst. The Old English form may very well have been *Wærmundinghyrst*; the index to the *Cod. Dipl.* contains a *Wærmundingford*; the name seems not to have survived, but Kemble rightly suggests 'Warmingford' as its expected modern form. The Angemærings, whose name survives in Angmering, were certainly not 'the descendants of Angemær', as such a name is formally impossible. I am inclined to conjecture that they were the dwellers on *Anninga gemære*, 'the boundary of the Annings', whose territory included *Anninga dūn* (*Cart. Sax.* no. 961), now Annington, about eight miles east of Angmering. (The thirteenth-century form *Aniggedone*, cited by Mr. Roberts under Ancton, must surely belong to Annington.) This etymology accounts for the existence of the short form *Angemare* (Domesday) beside the fuller forms *Angemæringtūn* (Alfred's Will) and *Angmering*.

There is only one Sussex place-name for which Mr. Roberts has suggested a Celtic etymology. This is Glynde, which he refers to the British word represented by the Welsh *glyn*, a glen. I am inclined to think this may be right; but Mr. Roberts is unfortunate in his suggestion that the final *d* is 'due to some popular etymology'. According to Pedersen (*Keltische Grammatik*, i. 38), the ancient British form of the word was **glind*, the primitive Celtic form being **glendos*, not **glennos* as given by Stokes-Fick. It is a phonetic law that an ancient British *nd* becomes in Welsh *nn*, simplified when final into *n*. No such law exists in English, so that the presence of the final *d* in Glynde is really an argument in favour of the etymology, instead of being a difficulty requiring to be explained away. Mr. Roberts ought to have mentioned that although the name of Glynde has not been traced earlier than the thirteenth century, the word occurs (apparently as an appellative) in a Sussex charter of the alleged date A.D. 772, which seems to relate to the neighbourhood of Miswell in the north of the county ('andlang riðe on wican glinde,' *Cart. Sax.* no. 208). If some one acquainted with the locality would trace the boundaries indicated in the charter, we should know whether the interpretation of *glind* as 'glen' is correct. If the adoption of a British word into the South-Saxon dialect be a fact, it is of considerable interest.

The few Norman place-names in Sussex are, in substance, correctly explained, with the exception of Cowdray Park, which is the French *coudraie*, a hazel grove. Mr. Roberts derives it from *cow* and *dray*, which he says means 'a cot for shelter'. Now the word *dray* (Old English *Dræg-* in *Drægtūn*) exists as the first component of many place-names, but is

not found, so far as I know, either as an ending or by itself as a name. Its meaning as a name-element is uncertain; the only examples of *dræge* in Old English have the sense 'drag-net', and in the fourteenth century *dray* meant a sled or wheelless vehicle. Perhaps neither of these senses is quite impossible for the first element in Drayton and Draycott; but both explanations seem unlikely. The Old English *gedræg*, cited by Mr. Roberts, has not the sense which he assigns to it; it has probably a long vowel (*gedræg*), and is a variant spelling of *gedræg*, 'tumult', 'a tumultuous crowd'. The explanation of *Dray-* in place-names as 'a place of shelter' is due to Professor Skeat, who proposed it tentatively on the ground that *dray* in modern dialects means a squirrel's nest. It appears that some friendly critic pointed out to Mr. Roberts the true etymology of Cowdray, but he scornfully rejects it, affirming that the name 'is as English as it can be'.

There are many other points in this book which I had noted as requiring correction, but this review is already too long, and I must leave them untouched. In my opinion, the etymological investigation of the place-names of an English county is not a task that should ever be prescribed to a young student, unless he has managed to obtain for himself a very special kind of training which our universities are at present unable to supply.

HENRY BRADLEY.

Windsor Castle; an Architectural History, collected and written by command of their Majesties Queen Victoria, King Edward VII, and King George V.
By W. H. ST. JOHN HOPE, Litt.D., D.C.L. (London: Country Life Office, 1913.)

THIS magnificent book—two vast volumes brimming over with illustrations, and a portfolio of plans—is just what its title sets forth, an architectural history on a very complete scale. It is not a chronicle of Windsor Castle and all the eventful happenings there since the days of William the Conqueror. The reader will look in vain for details of the pageantry at the creation of the Order of the Garter by Edward III, or of the dramatic surprise of the castle by the earls of Kent and Salisbury in 1400, or of the interment of Charles I in the driving snow. Still less must he expect to find notes of the daily life of Charles II, or of the dull hours of which Fanny Burney kept her diary at the court of George III. All these are concerned with the persons who from time to time dwelt in the castle. Sir W. St. John Hope is concerned not with the inhabitants, but with the walls between which they lived and the floors on which they trod. The architect, the mason, and the carpenter are his heroes and his familiar friends. We fancy that his purest moments of pleasure during the compilation of his book were those when he succeeded in identifying the precise portion of the castle, as it now stands, which corresponds to the loads of timber and barges of stone delivered to the king's builder on such and such a date. These problems are always interesting, and often can be solved with practical certainty.

The splendid series of photographic reproductions of all the early

drawings and paintings of Windsor which Sir W. St. John Hope has collected enables us to trace the transformation of the outer aspect of the castle from Early Tudor times downward with perfect accuracy. It is only in the Plantagenet period that we have no pictorial evidence to aid us in differentiating the work of Henry II from that of Henry III, or that of Edward III from that of Edward IV, and that the author's minute architectural deductions from pipe-rolls and constables' accounts have their fullest play. Speaking roughly, we may say that Henry III first turned the original Norman fortress into something more like a residential palace: that Edward III, with Wykeham as his architect, made it a very sumptuous specimen of a medieval royal abode. Edward IV added the magnificent chapel of St. George, and with this, the first period of its development came almost to an end, though Henry VII and Queen Elizabeth both made appreciable additions. Then came seventy years of neglect under the Stuarts, till in the second half of his reign Charles II resolved to reside at Windsor more than his father and grandfather had done, and laid hands on the medieval structure in the most ruthless way.

No doubt it had become an uncomfortable residence, according to the taste of an age that had progressed far from medieval simplicity. But May, Charles's architect, was little better than a vandal. He stripped down turrets and battlements, and destroyed the Gothic aspect of all the Inner Ward, producing instead an Italianized range of buildings, whose outer appearance was miserably poor, stiff, and rectangular, though inside the rearranged halls and chambers were spacious and magnificent, and were well decorated with the best of Grinling Gibbons' carving, and spacious wall and ceiling paintings by Verrio. Christopher Wren is often credited with May's architectural misdoings, but in error, as he only got charge of the works when the mischief had all been done. The castle as it stood in 1700 was not his work, but May's. It is a deplorable thing to compare the picturesque outlines shown in Hollar's beautiful series of engravings of Windsor in 1667, when the work of the Plantagenets was still intact, with the square and bald front—all endless rows of uniform modern windows—given in eighteenth-century drawings, such as those of Kip or Batty Langley. It is impossible not to agree with the criticism which we find quoted on p. 334.

The architect . . . broke up the gloomy character of the ancient castle and re-established the durability of its structure, but he unfortunately swept away nearly every trace of the architecture of the middle ages, so beautiful in itself and so valuable in its associations, and substituted nothing in its place. . . . As he could not Italianize the whole castle, and he would not Gothicize his new buildings, he seems to have devised the unhappy expedient of obliterating all architectural character whatever. . . . The walls were reduced to flat surfaces, the towers pared down to the most insipid outlines, and the windows were converted into rows of mean circular-headed openings, equally displeasing to the eye and to the judgement.

So much for May's misdeeds. Wren must be acquitted of the responsibility. He did, however, very nearly add a thoroughly incongruous building to the castle—one that would have been very effective in itself,

but grossly out of place in its surroundings. This was the projected 'Mausoleum Divi Caroli', the circular classical temple which Charles II determined to build as a separate resting-place for his father, independent of the royal vault where he had been laid with so little state after his execution. A set of designs and estimates for this structure were passed by his dutiful son—who found, however, other ways (no doubt more pleasant to himself) of spending the £43,000 originally set aside for the 'Mausoleum', which was to have been placed at the east end of St. George's chapel. Excellent in itself, and with a very fine and graceful statue of the royal martyr standing on a block of stone, which crushes four unhappy allegorical people representing Heresy, Sedition, Hypocrisy, and Ignorance, the little temple would have fitted in very badly with the splendid Perpendicular architecture of the chapel of Edward IV.

May's degradation of the Inner Ward of Windsor was not destined to remain in existence for much more than a century. In 1800, George III—it is curious to find him susceptible to the beginning of the Gothic Revival—called in the inevitable James Wyatt, the maltreater of Salisbury cathedral and of New College chapel, Oxford, and set him to undo May's work, by restoring somewhat of a Gothic appearance to all the front that had been wrecked by the architect of Charles II. Wyatt (as the pictures of his work show) made quasi-Gothic a number of May's windows and some of his door-heads, beside carrying out a great deal of internal change and decoration. Here, as elsewhere, he showed that he had no real grasp of Gothic architecture, but it must be confessed that his efforts produced a slight change for the better—anything was an improvement on May's unhappy work. But though a little disguised by the change, its essential characteristics, bald regularity and absence of sufficient relief, still remained, and were perhaps even worse in a half-Gothicized front than they had been in an Italianate one.

It was only for a few years, however, that Wyatt's work was visible. When George IV came to the throne he made the transformation of Windsor one of his most costly hobbies. The architect whom he chose was Jeffry Wyatt, the nephew of James, who, for reasons which we cannot pretend to fathom, changed his name to Wyatville (a horrid compound) by the king's special authorization, and was knighted under that designation. To him the modern aspect of all the inner parts of the castle are due: like his master he was no mean spender of money; the total expenses of the buildings came to £622,000 in the six years 1824-30. On the whole, one cannot deny that he left a sumptuous and picturesque piece of work behind him. It is unjust to decry it as 'sham-Gothic', and incorrect in its details according to strict rules of medieval architecture. One may regret some of Wyatville's acts of destruction, and we may criticize some of his proportions and his harmonies. But there can be no doubt that the general effect to the eye is far better to-day than at any period since the middle of the reign of Charles II. He did well to sweep away the last traces of May's work, and to bury his uncle Wyatt's changes in much larger changes of his own. He was set on producing the most Gothic of palaces—as Gothic was understood in 1824—and he certainly succeeded, with his wealth of machicolations and battlements, and his frequent

breakings up of the flat surface left by May with projecting gateways, towers, and many-storied windows. If correctness in the historical sense be left out of the question, it is impossible to deny that he produced a magnificent building, and one moreover that could be lived in with comfort as well as with state. 'Undoubtedly the King of England is well lodged.' We read on p. 371 that the changes since 1900 were 'internal only, and consisted chiefly in bringing up the royal apartments to present requirements as regards the addition of bath-rooms, &c., which were not deemed necessary in Sir Jeffry Wyatville's days'. Those which had taken place in the long reign of Victoria were not very much more important, though they included the demolition of one or two small but picturesque buildings like 'Denton's Commons', and some reconstructions of secondary note by the architect Salvin, for whose work Sir W. St. John Hope can find no good word to say.

Undoubtedly the part of this splendid book on which the author's most careful and enthusiastic attention has been concentrated is the details of the medieval construction, not merely that of the buildings, but that of their carpentry and decoration. An immense amount of useful and unpublished documents will be found printed in each chapter-appendix by the searcher after technical information in craftsmanship. And the bills of accounts are no less useful to the student of political economy: it is very interesting to trace the gradual rise of the pay of workmen of every sort in the fourteenth century, and if Thorold Rogers had been still alive he would have found much useful stuff to add to his *History of Agriculture and Prices*. Perhaps the most interesting of all the chapters are those dealing with St. George's Chapel and all its internal blazonry connected with the Order of the Garter, which take up more than a hundred pages and contain an elaborate account of every inch of the decoration, including many identifications of the subjects of carving on choir-stalls, &c., which the unaided visitor would have found it impossible to discover for himself. Occasionally the reader will find himself wading in rather deep waters, for Sir W. St. John Hope does not always condescend to the ignorance of the non-antiquarian public. Few will know what 'barrells of Osmunds' (p. 223) contained, or comprehend an order to collect 'competent shouts for bringing our various Estovers from various places' (p. 113), or recognize the subject of 'a wodewose riding on a unicorn' (p. 440). Strange archaic words like these should be explained either in the text or in the notes. Nor do we see why the names of Saints Cyriac and Julietta should be presented in the medieval forms of Cirice and Julitte; still less why Cardinal Wolsey should be indexed under the form of 'Wulcy', which has a decidedly Anglo-Saxon appearance. These antiquary's tricks are sometimes irritating. They are on the same scale as allusions to the detested Pierre des Roches as Peter de Rupibus, and to Engelard de Cigogné (long Constable of Windsor, despite of the order for his departure in Magna Carta) as Engelard of Cygony. De Ciconiis (as in Magna Carta) we understand, or Cicogné, the modern form—but why Cygony, which is neither ancient nor modern?

Historians will resent the statement that the 'Yorkist victories of

Mortimer's Cross and St. Albans paved the way for the proclamation of Edward IV as king on 4 March 1460-61' (p. 237). We do not understand the introduction of the second battle of St. Albans (1461) in these terms; it was a decisive Yorkist defeat: and the first battle of St. Albans fought six years before cannot possibly be meant, as it did nothing towards the permanent installation of the Yorkist dynasty on the throne. Was Sir W. St. John Hope thinking of Towton perchance? Hardly—for it falls after 4 March 1461.

A.

Mélanges d'Histoire offerts à M. Charles Bémont par ses Amis et ses Élèves à l'occasion de la vingt-cinquième année de son enseignement à l'École Pratique des Hautes Études. (Paris: Alcan, 1913.)

THIS tribute to the French scholar, who has done so much admirable work on the medieval history of England as well as of his own country, contains forty-eight essays, most of which are concerned directly or indirectly with events or institutions in England. It is impossible to do more than indicate some of the principal contents. The paper of most substance is that of Dr. Liebermann, *Ueber die Gesetze Ines von Wessex*. He dates the text of Ine preserved by Alfred not earlier than 890, and carefully compares the laws of Ine with those of Alfred as to language and contents. On the evidence they afford of a village-community Dr. Liebermann writes: *ein Dorf mit Gemeinwiese und Gemenglage der Aecker, noch nicht in individuellem Eigentum, kommt vor ohne Spur einer Herrschaft*. Compulsory work is still an exceptional novelty. Comparison of the two codes shows a marked advance by the time of Alfred in civilization and in the power of the king. The substance of Ine's laws shows little trace of any but Teutonic origins, but the influence of the church can be seen in a few isolated enactments—notably in the added oath-worth of the communicant, in the usual Christian prologue, and in the attempt to embody custom in written law. Dr. Liebermann's essay is a foretaste of the valuable commentaries we may expect in the next volume of his *Gesetze*; its worth will be increased when references to the laws have been added. M. Ferdinand Lot studies the *Historia Brittonum*, arguing that it does not represent independent British tradition, but is based on Gildas and Bede, and upon oral Saxon traditions in Kent. The precursor of Nennius was, he thinks, a Briton of the north who had travelled in the south-east. There is a slip (pp. 2 and 3) in the statements as to the relative dates of Bede and the A.-S. Chronicle. M. Lauer reprints from a Vatican MS. Baudri of Bourgueuil's poem to Adela, the Conqueror's daughter, describing real or imaginary tapestry closely resembling that of Bayeux. He dates the poem before 1102-7, and holds that it is useful confirmatory evidence that the Bayeux tapestry was then complete. M. Petit-Dutaillis has a valuable study, to be read in conjunction with the essay in his edition of Stubbs (vol. ii) on Carolingian and Norman origins in English forest law. Professor Haskins publishes from the Cartulary of St. Denis, Southampton (Add. MS. 15314), a text setting forth the *operationes* due from the men of the manor of Portswood, valuable because we have few such records of so early

a date. Under Henry I the normal holding was a virgate, the services of the usual sort and undefined in amount, the tenants were exempt from county and hundred courts and from *murdrum*. By the middle of the fourteenth century the services are defined and money equivalents are fixed for them. The church-scot of the earlier period has become a poultry-rent: *ad sanctum Martinum dabit chersetam, scilicet tres bonas gallinas et unum gallum*. Unfortunately the church-scot *temp.* Henry I is not defined, or it might prove a link between the church-scot of Domesday, generally a carriage-load of corn called *annona*, due to his parish church from each soeman possessed of a hide, and the cock and three hens of Portswood.

M. Pirenne shows that the Parisian Hanse of water merchants developed on the same lines as the local Hanses of Germany and the Low Countries. In its origin the Hanse was *la gilde en voyage*. M. Eugène Déprez gives an account of the *Kalendare litterarum, processuum, et memorandorum ducatus Aquitaniae* (P.R.O., Miscellaneous Books, Excheq. T.R. no. 187), which he proposes to publish in full, as it is a valuable source and a remarkable example of archivist work under Edward II. He prints here the preface and full table of contents written by Henry of Canterbury and his colleagues. Professor Merriman, of Harvard, has a useful essay on the control exercised by national assemblies in the middle ages over the repeal of legislation; the Spanish texts and instances he cites are specially valuable. Two papers dealing with Rouergue and Gascony give more exact details than we have had before of the appeal to Charles V against the Black Prince in 1368, and of the concessions made by Charles to secure support. M. Morel-Fatio publishes the text, which he has found in the Bibliothèque Nationale (Fonds Espagnol 318), of the lost letter from Margaret of York to the Spanish sovereigns begging aid for Perkin Warbeck; it is fuller than that of Warbeck himself and confirms the conclusions of Gairdner.

A bull of Leo IX, 1050, from the church of Toul, published by M. Chr. Pfister, contains an interesting list of officers and special privileges of the chapter. M. Berger brings into notice a bull of Innocent IV, 1251, as evidence of a charitable association in England to assist the poor who have fallen into the clutches of usurers; he says that the 'Causini' of Matthew Paris are Italian bankers, not merchants of Cahors. Some light is thrown on the state of Cistercian monasteries in England, 1490-1500, by letters to Cîteaux. M. Gautier identifies Stratfordia in one letter as Stratford in the diocese of London, and in the next as Stratford-on-Avon. The only Stratford in England with a Cistercian monastery was Stratford Langthorne in Essex, and Hugo, mentioned in the letter dated *circa* 1492, was abbot there in 1483. M. G. Constant prints some interesting dispatches on the nunciature of Perpaglia from Pius IV to Elizabeth in 1560, showing that the failure of the mission was due to Philip II, who ordered the nuncio to be detained in Flanders. A letter from Philip II to his ambassador Vargas in Rome, dated 1 June 1560, after saying that he had persuaded Paul IV not to act against the queen without his advice, makes the same request of the new pope. The excommunication of Elizabeth would play into the hands of the French, who were intriguing in Rome for a declaration of her bastardy. Perpaglia was detained in Flanders until he was recalled to Rome by the pope in September 1560.

Philip promised the pope to influence Elizabeth to be represented in the Council of Trent. Other Elizabethan gleanings in this volume are the text of an appeal to the English queen by Alençon (25 October 1575); some curious unpublished letters from Elizabeth to the Tsar Boris concerning an English physician to be sent to St. Petersburg and a proposed English marriage for a Russian prince; and an account, by Professor Jorga, of Bucharest, of the first English envoys to the Roumanian countries of the Danube. He says that Elizabeth's fame had penetrated to the east, *où tel Vizir était d'avis qu'elle pourrait bien épouser le Saint-Père, célibataire jusqu'à cette heure.*

WALFORD D. GREEN.

Short Notices

A new Decipherment of the Hittite Hieroglyphics, by Mr. R. Campbell Thompson (reprint from *Archaeologia*, 2nd series, xiv, 1913), differs almost entirely in its results from all previous attempts. The author rejects the explanations hitherto given of the 'boss' of Tarkondemos, and the reading 'Carchemish' suggested by Six for a certain group of signs. He accepts only a few of Dr. Sayce's values, and still fewer of Jensen's. Considering Mr. Thompson's reputation as an Assyriologist, and the fact that he has had the advantage of studying the newly-found inscriptions at Carchemish, we began the perusal of his work with great hopes, but these were not realized. He starts, as such work must start, with a guess, and no doubt a probable guess, though we believe it to be wrong. He takes a certain character which occurs in adjacent groups (Messerschmidt's *Corpus* plate xv B) to be the syllable *gar*, and the group to be the name of Sangar. For the first syllable *san* he then has in one group the four strokes, which Dr. Sayce reads *me*, and in the second group these four strokes followed by the sign which Dr. Sayce reads *i*. He is thus led to assume, as a principle of decipherment, that the four strokes are *san*, and that the second sign may be added (or omitted) as a phonetic complement (=n) as in Egyptian. He does not, however, seem to follow out this principle, which would be extremely important if established. If it is not established by a number of instances, it would seem that he has made a false start. In fact, without going into details, it may be said that Mr. Thompson's ingenious decipherment lacks the dull foundations which ought to underlie any system of the kind. He makes no attempt to show by statistics the relative frequency of the several signs, and thus to distinguish probable ideograms from probable phonetic signs; nor does he discuss the question whether the phonetic signs represent simple open syllables (as e. g. in Cypriote), or sometimes open and sometimes closed syllables (as e. g. in Babylonian), or again are purely alphabetic. Even the list of 127 signs, given at the end, is not arranged on any apparent system. Considering the small number of evidently phonetic characters, it seems unlikely that some of the commonest should have such values as *san*, *nis*, *nin*, *man*, *nas*, while other sounds which must have occurred are hardly represented. Where we are so much in the dark, probability is the only test that can be applied, and it is certainly not in favour of the results obtained. As an instance we may take the translation (on p. 112) of the inscription no. xvi A in Messerschmidt's *Corpus*. It is engraved over a hunting scene, similar, as Mr. Thompson himself says, to that on a well-known monument of Assurnasirpal. One would naturally suppose that the Hittite inscription had

somewhat the same meaning as the Assyrian, but this is Mr. Thompson's translation: We Irhulina (?), Benhadad, send a message to (or greet) the lord of Tabal, the son of the ally of our ancestors, 'O Lalli (?), our (?) ally, make alliance with us.' Even allowing that the details are not to be pressed, we submit that this is not the sort of thing people said in inscriptions. Mr. Thompson, too, feels this, and suggests that the stones were actually sent as letters; but the size and weight of most of them makes this explanation appear truly desperate. B.

One of the latest books on the ancient history of India is the little volume entitled *Ancient India*, by Professor E. J. Rapson (Cambridge: University Press, 1914). The reputation of the author guarantees the sound scholarship of the book, which is intended to be intelligible to the general reader, to give a clear outline of the early history of India so far as it has been recovered, and to sketch the salient features of the religious systems of the country. Mr. Rapson's work is intelligible enough, but seems rather lacking in clearness of historical statement. He reminds his readers that we are fully informed concerning the political and municipal institutions of Asoka's grandfather, Chandragupta Maurya, but gives us no particulars about those very remarkable institutions. Similarly, the author omits to give a picture of the work done by Asoka. His statement that the great emperor in his latter years became a monk living in seclusion is not warranted by evidence, and seems opposed to the testimony of the latest inscriptions of the reign. The defects indicated can be easily remedied in a second edition, which is likely to be called for.

V. A. S.

Mr. T. Lloyd is a political economist who has wandered from the fields of currency and finance into those of prehistoric ethnology and comparative philology, and in *The Making of the Roman People* (London: Longmans, 1914) endeavours to show that Latin is a Celtic tongue imposed by Gaulish conquerors on the primitive inhabitants of Latium, who belonged to the brown Mediterranean race. There has, no doubt, been a tendency of recent years to seek an explanation of the struggle between Patrician and Plebeian in early Rome in a presumed difference of race. Professor Ridgeway (to whom Mr. Lloyd refers, though not by name), in his pamphlet, *Who were the Romans?* furnishes another example of this type of theory, and the fact that the phenomena lend themselves to such diverse explanations makes it difficult to feel confidence in any. It is also true that there are marked affinities between the Italic group of languages and the Celtic: this is, however, not a matter for surprise, since both were spoken by the western offshoots of the Indo-European stock. Sober philologists, however, will not allow that the facts warrant any further deductions—certainly they will not be convinced that Latin should be grouped amongst the Celtic dialects by an argument based on such resemblances between individual words as those tabulated by Mr. Lloyd. Amongst them we find the following curiosity: Gaelic *Bromānach* (rude) = Latin *Brum*. This is, indeed, a dark saying. The following passage reads

strangely at the present time (it should be explained that it refers mainly to medieval conditions) :

The true interest of the Germans was not to humble France but to extend their own rule over the Slavs and to expel the Turks from Europe. Most thoughtful Germans recognize that now. But how many Germans saw it in the past ?

H. S. J.

All serious students of history know the value of coins as illustrating the story of mankind in its artistic, linguistic, religious, social, and political aspects. In Europe, where written documents abound, the help given by numismatic science to the historian is of a subsidiary kind, required for the filling in of minute details rather than for constructing the framework of the narrative. In India, where contemporary written documents are comparatively few and meagre, the evidence of coins plays a part far more important, and constitutes one of the fundamental bases of the historian's work. Sometimes, as in the case of the Graeco-Bactrian kingdoms, the numismatic testimony is almost the sole source of our knowledge. But the coinage of the Gupta Empire in northern India during the fourth and fifth centuries of the Christian era is of special interest, because the evidence of the coins is supported throughout by dated inscriptions and other documents which enable the historian to feel practically certain about the chronology and to tell his story in considerable detail. The latest volume of the official Catalogue of the Indian Coins in the British Museum, by Mr. John Allan, entitled *Catalogue of the Coins of the Gupta Dynasties and of Śaśānka, king of Gauda* (printed by order of the trustees, 1914), treats the subject in a masterly and satisfactory manner. The twenty-four plates are perfect, and in the text all legends are given in facsimile regardless of expense. Mr. Allan has studied every publication bearing on his subject, and has had the advantage, by reason of his position at the British Museum, of being able to collect information from every direction. His catalogue includes many coins from collections in cabinets other than that of the Museum, which possesses by far the best series of Gupta coins. Although the author's studies may be fairly described as exhaustive, many difficulties still remain to exercise the acumen and ingenuity of future inquirers. The legends especially, in the decipherment of which Mr. Allan has made much progress, are not yet fully understood. The historical problems are of a nature too special to interest many readers of this Review, and it will suffice to say that Mr. Allan's treatment of them, if not always absolutely convincing, is invariably based on thorough knowledge of the facts and supported by weighty arguments. V. A. S.

Under the title of *The English Borough in the Twelfth Century* (Cambridge : University Press, 1914), Mr. A. Ballard reprints two lectures, (1) Burgess and Lord, (2) Borough and Hundred, which he delivered at Oxford in October 1913, with brief notes, appendixes, and tables. The lectures are in the main a shorter and more popular restatement of the conclusions reached in the introduction to his *British Borough Charters*. Miss Bateson's criticism in this Review has induced Mr. Ballard to withdraw from the position taken up in his *Domesday Boroughs*, that there was nothing to lead us to suppose that the borough court ever excluded

the jurisdiction of the hundred court, and he now admits that boroughs of royal creation were hundredal. London was no exception, despite Stubbs's assertion of its shire organization, for its folkmoot met three times a year as prescribed by Edgar for borough courts. In an appendix this extra-hundredal position is claimed to have been first enjoyed by the old Roman towns, but the statement that the first eight bishops in England were established in such towns is arrived at by including Dunwich, ignoring Lindisfarne and mistaking the consecration of Archbishop Honorius at Lincoln, mentioned by Bede, for the appointment of a bishop with that town as his see. The attempt to discriminate hundredal from non-hundredal boroughs with the aid of the *Nomina Villarum* of 1316 is not very successful. It is admitted that some sheriffs did not return the former separately, and the list of exceptions could be widened. That these returns settled the list of parliamentary boroughs is an assertion still more open to objection. We are left in some doubt whether representation was henceforth limited to all boroughs mentioned in the returns or only to those reported as extra-hundredal. In either case, however, the generalization breaks down outside the exceptions acknowledged by Mr. Ballard. Aylesbury, for instance, which was not represented until the sixteenth century, is a borough within a rural hundred in the *Nomina Villarum*; but so is Wycombe, which was represented continuously from 1301. Though the author has made his palinode on the subject of borough jurisdiction, he maintains the 'garrison' theory of the connexion of burgesses and burghal houses with rural lords and manors as stoutly as ever, both in the text and in app. i, which deals rather briefly with his critics. He still thinks that the mural house system of Oxford prevailed in all other composite boroughs, despite the fact that in the case of Chester a completely different system is known to have obtained. He has candidly to confess, too, that no scrap of confirmation for the 'garrison' hypothesis has presented itself in any of the 300 town charters before 1216. Faithful upholder as Mr. Ballard is of Maitland's famous theory, he seems to misapprehend his distinction between 'sake and soke' and simple manorial jurisdiction (p. 32).

J. T.

The value and interest of M. Charles Petit-Dutaillis' appendixes to the second volume of the French translation of Bishop Stubbs's *Constitutional History of England* have been so fully recognized in this Review (xxviii. 770 ff., 1913) that we need now only add that they have appeared in a careful English version made by Mr. W. T. Waugh and published under the title of *Studies and Notes supplementary to Stubbs' Constitutional History*, ii (Manchester: University Press, 1914). A single index is furnished to the two parts, which are paged continuously, and a good many references have been added in the footnotes.

C.

The occurrence of the sixth centenary of the battle of Bannockburn has produced a controversy as to the site on which the battle was fought. The traditional site, south of St. Ninian's, has recently been attacked by Mr. W. M. Mackenzie, who advances good reasons for placing the battle further to the north-east, on the edge of the Carse. Mr. Mackenzie's

conclusions have been questioned by Sir Herbert Maxwell in an article published in the *Scottish Historical Review* for April 1914, as well as by Mr. John E. Shearer (*The Site of the Battle of Bannockburn*. Stirling, 1914). The latter pamphlet contains more vituperation than solid argument. Dr. J. E. Morris has contributed a work of a different character on *Bannockburn* (Cambridge: University Press, 1914). He is a convert to Mr. Mackenzie's views, which are based simply upon a literal acceptance of Barbour's narrative in all important details. He takes Barbour as his prime authority and shows that Barbour's version is consistent in the main with the description of the battle given by Sir Thomas Grey and the other English chroniclers. There are a few irreconcilable differences, chief among them being the part which the pits dug by Bruce played in the battle. Barbour brings them into the first day's fight; Baker of Swinbroke and Abbot Burton of Meaux introduce them into the main battle; both the latter writers borrow from the contemporary poem of the friar Robert Baston, and appear to have misinterpreted him. Dr. Morris also finds his authorities at variance as to the part taken by the English archers in the battle, but exhibits skill in reconciling their apparently conflicting statements. Despite Sir Herbert Maxwell, Mr. Mackenzie and Dr. Morris may be taken to have made good their case for distinguishing between the sites of each day's fighting, since their theory accounts for the change of order in the Scottish formation and for the communications established between the English host and the garrison of Stirling. Dr. Morris's account of the component elements of a typical Edwardian army and his investigation of the numbers employed in the Scottish wars deserve careful perusal and might have been extended at the expense of the historical introduction contained in the opening chapter.

H. H. E. C.

The Palazzo Farnese, the most splendid private monument in Rome, for years the seat of the French Embassy to the Quirinal and of the *École Française de Rome*, has now, we believe, become the property of the French government, and naturally attracts the attention of French writers. M. Ferdinand de Navenne's volume (*Rome, le Palais Farnèse et les Farnèse*. Paris: Michel, s.a.) appears to have originated in an account of the site and building, which has been expanded into a history of the illustrious family which raised it and made it its home. There is nothing illegitimate in such combinations, provided that, as here, the sense of proportion is fairly preserved. The result is an extremely interesting and well-written book; a result, we may add, which owes nothing to the adventitious aid of pictorial illustration which it is the fashion nowadays to lavish on works of this kind. Here, indeed, that aid might have been employed with more propriety than in some cases which have come to our notice; and the architectural history of the palace, and of the hardly less wonderful villa at Caprarola, would have been made clearer by the addition of some plans and elevations. Palace and family alike provide a subject of high importance. Of all the families of papal origin, that of Farnese was by far the most distinguished, whether we consider the ability or the culture of its members. Different as was its source, it may be compared

in several points with the great house of the Medicis. The story, as we have said, is well told. The recognized sources of information are supplemented by two volumes of Paul III's private expenses between 1535 and 1545 belonging to M. de Navenne. He has also made some interesting use of the Latin poems of the family poet, Tranquillo Molosso, most of which remain, still unprinted, among the Neapolitan archives. But the most valuable part of the book is the history of the great building, on which so many of the first architects of the time left their mark, and of the famous collection of antiques which it housed, the creation of the cultured and magnificent Cardinal Alessandro. With his death, in 1589, the volume closes, so that it does not include the story of the later fortunes of the family, or of the splendid frescoes of Annibale Carracci, which, now that the sculptures have gone elsewhere, form the chief artistic treasure of the palace to-day. But there is some suggestion that the subject will be continued in another volume, and to this we shall look forward with interest.

G. McN. R.

The tenth volume of the *Accounts of the Lord High Treasurer of Scotland*, edited by Sir James Balfour Paul, C.V.O., LL.D., Lord Lyon King of Arms (Edinburgh: H.M. Stationery Office, 1913), covers the interval between the end of the Anglo-Scottish warfare in 1550 and the outbreak of the rebellion of the Lords of the Congregation. The historical interest of the period lies in the growth of Scottish Protestantism, and we cannot expect to find many traces of this in official accounts. There are a few hints; it is significant that in 1552 a sum of £3 15s. was paid 'for thre Inglis bukis to my lord governour' including 'Hopper upoun the Commandmentis'. It seems to have escaped the notice of the usually impeccable compiler of the index that Hopper is Bishop Hooper, whose 'Declaration of the Ten Holy Commandments of Almighty God' had been published in 1548. Previous volumes have shown the extent to which Arran, when regent, debited his personal and family expenditure to the national accounts, and Sir James Paul remarks that, after Mary of Guise became regent in 1544, 'the wardrobe accounts, which have been such a conspicuous item all throughout the reign of the Stewart kings and the governorship of Arran, entirely disappear.' Mary possessed a private income and she required the royal revenue for other purposes than the purchase of clothes or the (apparently very unnecessary) provision of artificial holes to afford shelter for rabbits, on which Arran spent forty shillings in 1552. She attempted to extend the royal authority in the Highlands and islands, as her husband and his father had done, and she herself made expeditions, with similar intent, to the borders. She fortified Inchkeith and she restored Holyrood, which had suffered after the defeat at Pinkie. Unfortunately, soon after her accession to office, a change was made in the system of accounts, and the treasurer ceased to have cognizance of payments to craftsmen, so that the records before us become, as the editor points out, largely a record of the regent's official correspondence, as it was carried through the country by the queen's messengers or by the officers of arms; but in spite of this, we receive a considerable amount of information about the defensive measures taken against England in 1558. The editor, as usual, has not failed to draw attention to

the significance, for political history, of the expenditure recorded in this volume, or to notice the items which throw light upon social and domestic life. Rejoicings over the marriage of queen Mary to the Dauphin were ordered all over the country; in Edinburgh, there was a great pageant, with, apparently, a rehearsal of the marriage ceremony, and Mons Meg was fired. But with true Scottish caution, some men were paid for 'the finding and carrying of her bullet efter scho wes schot,' in order that it might be used again. There is a useful glossary and an excellent index.

R. S. R.

Dr. Edwin H. Burton and Father Pollen, S.J., have edited vol. i of the second series of *Lives of the English Martyrs* (London: Longmans, 1914). The first series, edited in two volumes by Dom Bede Camm, O.S.B., contained the lives of those who perished under Henry VIII (1535-45) and Elizabeth (1570-83), and who have been declared blessed by Pope Leo XIII. The present series deals with those who suffered between 1583 and 1603, and have so far only been pronounced venerable. This, as the editors explain (p. xi) 'is the lowest of such titles. It affirms that a prima facie case has been established for proceeding to the beatification, which would be the next step. But no definite approbation of the martyr is given. The honour might be recalled. No promise of proceeding further is implied.' The first volume of the second series extends from 1583 to 1588, and deals with comparatively little known sufferers; Campion comes too early, Southwell and Walpole too late. The text consists of biographical notes and documentary extracts, for the materials hardly permit of formal 'lives'. The introduction contains a careful and moderate statement of the law against Roman Catholics as developed between 1559 and 1581, and makes clear the important distinction between the liabilities of the 'old' or 'Marian' priests and those incurred by Jesuits and seminary priests.

A. F. P.

Christofforo Suriano, Resident van de Serenissime Republiek van Venetië, in Den Haag 1616-1623, by Dr. P. C. A. Geyl (The Hague: Nijhoff, 1913), is a study of the alliance between the Netherlands and Venice mainly based on Suriano's own dispatches, some 750 of which are preserved in eleven thick folios of close writing which were examined by Dr. Geyl, in 1912, in the old convent of the Frari. Suriano was a most careful and experienced diplomatist who wrote at least one dispatch, and generally more, every week to his government. Dr. Geyl has, however, by no means confined his researches to Suriano's dispatches, but has supplemented and checked Suriano's accounts from other Italian and from Dutch sources, especially the correspondence of Ouwerx, the Dutch consul at Venice. Indeed the book shows every sign of careful and thorough investigation of authorities. It is largely concerned with the detailed history of the attempts of the Venetian government to raise troops in the Netherlands. In those days, when there were no Foreign Enlistment Acts, the principal difficulty in raising troops in a neutral though favourably disposed country such as Holland, was the financial difficulty. This was very great in the case of the Serenissima, whose policy was to contract with some

adventurer like Count Johan Ernst of Nassau to supply troops at the very lowest terms which he could be induced to accept. In such cases the adventurer was apt to be ruined, despite the further financial help which had to be given to him, and the military results were disappointing. The Serenissima in fact appears throughout as excessively parsimonious and somewhat ineffective. Suriano himself, despite his devotion to his work, was perpetually addressing vain petitions to his government to be paid his salary. The Venetian republic appears to have been an unsatisfactory ally, whose object was to get such help against the common Hapsburg enemy as she could out of the upstart heretic republic of the north without giving anything in return. The over-cautiousness and suspicion of the Venetian government is shown by their reception of the Dutch envoy Aerssen at Venice, after the conclusion of the alliance. He found on arriving that he was kept at arms' length, and nothing like freedom of intercourse with any of the governing class permitted. The failure of the alliance is not in any way to be ascribed to Suriano, whose relations with the Dutch, although at times necessarily difficult, were friendly and pleasant, and who, when he returned to the Hague, in 1626, was well received. Dr. Geyl's narrative is clear and interesting. H. L.

The title of Mr. David Hannay's *Naval Courts Martial* (Cambridge: University Press, 1914) is somewhat misleading. It consists in a number of stories taken from reports of courts martial preserved in the admiralty papers from 1680 to 1815. These stories give a picturesque account of the state of the navy during that period, and would provide plenty of 'local colour' for a novelist. From the point of view of the legal historian these stories are much too brief, we have merely the facts and are not told of the witnesses or of the evidence or of the procedure of the court. The references to the original reports are quite insufficient. In addition to these tales of mutiny, false musters, murder, and other crimes, there is a brief and interesting introduction which summarizes in a popular manner the history of the legislation affecting naval courts martial and discipline. Speaking generally, the book is very readable and probably does not claim to be more. D.

In a careful monograph, based mainly on a study of the Colonial Office Papers at the Public Record Office, Miss Margaret S. Morris deals with the *Colonial Trade of Maryland, 1689-1715* (*Johns Hopkins University Studies in History and Political Science*, xxxii, 3. Baltimore, 1914). The volume treats of the value of Maryland to England: '(1) as a source for the supply of raw material, that is, tobacco, which had to be shipped directly to England; (2) as a market for British manufactures and foreign goods, which had to be shipped through Great Britain as an entrepôt; (3) as the terminus of a line of trade which employed a large number of English ships and sailors.' It is interesting to note that the author arrives at the conclusion 'that, although there was undoubtedly a certain amount of illicit trading, the precise extent of which it is difficult to ascertain, still, on the whole, the English authorities were so zealous that breaches of the Navigation Acts, and apparently also of the several

Colonial Acts, were comparatively rare. Absolutely no connexion between the people of Maryland and any of the notorious pirates of the seventeenth century can be traced, and certainly, too, no pirates frequented the colony. Neither illegal trade nor piracy had any appreciable effect on the development of the direction of Maryland trade routes.' H. E. E.

The long life of Dumouriez, of which a sketch is given by M. Arthur Chuquet in the series of *Figures du Passé* (Paris: Hachette, 1914), falls into three curiously unequal portions. Until past fifty years of age he was an obscure, although able, officer, trying to find a career. Then for a few months he was one of the most important men in Europe at one of the gravest crises in its history. Last of all, for thirty years he was an exile, striving ceaselessly but vainly to recover some fraction of the consequence which he had lost. For the first period the chief authority must always be Dumouriez' own Memoirs, a delightful if not entirely candid narrative. M. Chuquet utilizes the Memoirs with due critical reserve, compressing their substance for this earlier period into some sixty pages, and, alas, squeezing out most of their juice and flavour. For the second period materials are, of course, abundant, and this period claims the greater part of the volume. M. Chuquet has long since made the revolutionary war his own province. It is the more surprising, therefore, that he should describe Luckner (p. 83) as 'a young man' and a few pages later as 'the old marshal'. Old Luckner certainly was, since Dumouriez states that Choiseul had secured his services in 1763 and that he had since drawn 36,000 francs a year for doing nothing. M. Chuquet gives, as we should expect, a clear and interesting account of the memorable campaign of the Argonne and of the subsequent invasion of Belgium. The treason of Dumouriez, his attempt to use his own army and the hostile forces for a counter-revolution, is described in minute detail. Then M. Chuquet, reverting to his former brevity, sums up all that need be known about Dumouriez' melancholy and unhonoured old age. In his estimate of Dumouriez M. Chuquet is generous, although discriminating. He justly claims for his hero many fine gifts, wit, eloquence, clear thought, swift decision, the charm which could fascinate individuals, the fiery soul which could reanimate desponding armies. With equal justice he says that Dumouriez' worst fault, the fault of the eighteenth century, was levity. He was not in earnest himself and he could not understand men who were. If a project allured him, he could not see its difficulties. Dumouriez, in short, was an adventurer, but an adventurer almost of genius. F. C. M.

In the same series M. Louis Madelin has produced a good popular life of Danton (Paris: Hachette, 1914). He has mastered the considerable printed literature bearing upon his subject, and has made incursions into the unprinted documents, including some but lately rendered available to students. In such a work, however, we look not so much for definite additions to knowledge as for a large grasp and a judicial temper. In these respects M. Madelin does not fail. He can discriminate the different values of evidence, and is content occasionally to remain in

doubt when the available testimony does not justify a positive conclusion. His own estimate of Danton comes about midway between Taine's and Aulard's. That Danton had no principle and thought all things permissible in time of revolution he frankly admits. On the other hand, M. Madelin does full justice to the more human side of Danton's character, his strong family affection, his capacity for friendship, his placability, and the qualities which made the irreproachable Royer-Collard pronounce him magnanimous. M. Madelin's Danton is both a patriot and a statesman, but not so eminently respectable as Aulard's. On particular points in dispute M. Madelin sums up, as a rule, both carefully and equitably. He comes to the conclusion that we cannot positively reject the charge of corrupt gain so often brought against Danton. He inclines to think that Danton did receive money from the court, although he does not believe that Danton gave anything in return. He thinks that, when in office, Danton, who was habitually careless and lavish, and probably never kept accounts, may have spent as his own money belonging to the public. He thinks, too, that Danton exercised no control over subordinates, who in some cases were grossly dishonest. In discussing the alleged growth of Danton's private fortune during the Revolution, M. Madelin, it should be noted, states the facts quite differently from M. Aulard in his recent work, *Les Grands Orateurs de la Révolution*. When considering the problem of Danton's responsibility for the September massacres, M. Madelin weighs the evidence with equal care, and infers that Danton did connive, although he did no more.

F. C. M.

The twenty-third volume of M. F.-A. Aulard's *Recueil des Actes du Comité de Salut Public avec la Correspondance officielle des Représentants en Mission* (Paris: Imprimerie Nationale, 1913), which covers the dates 10 May (21 floréal) to 2 June 1795 (14 prairial, an III), has, as its central point of interest, the insurrection of 1 prairial. At home, the government, which was still in the hands of the Comité de Salut Public, was experiencing the difficulties of the *via media* between royalism and terrorism. At Tours only had it been successful. 'Le royalisme est proscrit, le fanatisme impuissant, le terrorisme abattu.' When the Jacobin prisoners were lynched at Lyons, it was said in the Convention that 'les patriotes sont égorgés'. But after the strong measures taken by the committee to put down by the military the Jacobin insurrection of 1 prairial in Paris and that of a few days earlier at Toulon, the report from Lyons was that 'on continue d'égorger ici les terroristes . . . presque journaliers'. Merlin of Thionville wrote from Strasbourg on 14 prairial, 'Continuez, braves collègues, à frapper autour de vous. On dit ici que vous ménagez Carnot et Lindet parce que vous ne pouvez pas vous passer de leurs talents'. At the same time, daily reports from the *représentants en mission* showed that the pacification of the Chouans and Vendéens was illusory and the defeat of their forces a serious military problem since '2000 d'entre eux sont capables d'occuper et de fatiguer 6000 des nôtres'. From Luxeuil came the news that a fresh Vendée was beginning in the departments of Haute-Saône and Vosges, and in Provence the White Terror was assuming alarming proportions. As regards the armies, that of the Pyrenees 'n'a

que le héroïsme', the army of Sambre-et-Meuse was only just saved from starvation, from Utrecht came the report, ' Nous avons ici des bataillons belges et liégeois que tous les généraux redoutent d'avoir avec eux, tant leur esprit est mauvais.' It is surprising to find that the army of the Alps and Italy was well armed, well fed, well clothed, and well disciplined. Though the treaty of the Hague with Holland was signed on 17 May, the negotiations belong to the period covered by the previous volume. Negotiations with Spain were proceeding through Barthélemy at Bâle, but no details are given. The most interesting document in the whole volume is a very outspoken letter from Merlin of Thionville to Merlin of Douai, written on 12 May, advising that peace should be made with the emperor on the condition that he should cede all rights in the Low Countries in exchange for Bavaria. This was contrary to the policy of Barthélemy of isolating the empire from the emperor under the hegemony of Prussia. Merlin had no illusions about the position of the Republic.

Ce sont de grandes phrases que ces mots—faire la paix grandement et noblement. Nous n'aurons de paix avec les rois que celle que dictera la nécessité. . . . Nous n'avons ni constitution, ni gouvernement, le royalisme s'agite, le fanatisme rallume ses torches, les espérances des traîtres qui ont abandonné leur patrie renaissent, et cependant l'Europe est à nos genoux. Le monde nous demande la paix.

Unanswerable as this indictment is, the impression left by the twenty-third volume of this remarkable series is that a slight improvement is shown on the conditions in the twenty-second volume, due in great part to the conclusion of peace with Holland and the firm policy of the committee towards insurrections, whether royalist or Jacobin. M. A. P.

In *La Statistique agricole de 1814* (Paris: Rieder, 1914) the Historical Committee of the Ministry of Education has published—unfortunately without an index—a most important series of reports from prefects and sub-prefects, drawn up in reply either to a circular issued by Becquey, director-general of agriculture, in December 1814, or to an earlier inquiry of 1812. The series is very incomplete. Some departmental archivists, it appears, made no reply to the requests of the committee; many departmental archives did not contain what was wanted, and the national archives could only make good deficiencies in a very few cases. The result is that there are details from only twenty-three departments, and not by any means always from each arrondissement. Fortunately, however, most French soils, climates, and racial areas are represented—the Alps, the Pyrenees, the river basins of Gascony, the valleys of the Rhône, Loire, Seine, and Marne, the heart of Burgundy, and the Breton and Norman coasts. Had the results been more complete there would have been, in spite of the rather perfunctory work of some of the reporters, a French record almost fit to stand side by side with the great contemporary series of English county agricultural reports. As it is there is much material for comparison with those reports, with Arthur Young's travels in France, or with descriptive agricultural works of the mid-nineteenth century, such as those of Léonce de Lavergne. Among the matters of general economic interest dealt with are housing, crop rotations, enclosures, the average sizes of holdings and types of tenure, the survival of rights of

parcours (inter-commoning of adjacent villages) and *vaine pâture* ('common of shack'), and the effects of the Revolution on the break-up of holdings and the wasting of woodlands. Almost everywhere the reporters register progress in the use of 'seeds'—clover, lucerne, sainfoin—and of the potato since the eighteenth century. Few other changes in technique are referred to. Little is heard of new enclosure; the enclosures described are almost all of old standing—the hedges of the 'Bocage' in Deux-Sèvres, the turf and stone banks of Brittany, the walled garden-fields of the south. For comparison with contemporary England and Wales the most important sections are those dealing with Seine-et-Oise, Eure-et-Loir, Calvados, Côtes-du-Nord and Finistère. It is fortunate for English students of comparative agrarian history that details have come to light from all these north-west departments.

J. H. C.

A real service to history was rendered by the nobleman's steward and the parish priest who wrote down their recollections of the campaigns of 1814 and 1815 as these affected their respective towns of Arcis-sur-Aube and Châlons (*L'Invasion de 1814-1815 en Champagne, Souvenirs inédits, publiés avec une introduction et des notes par Octave Beuve, Bibliothèque de la Revue historique de la Révolution française et de l'Empire*. Nancy: Berger-Levrault, 1914). Their colourless but evidently honest narratives afford a series of photographs of the calamities of war. Thus, during the month of February 1814 no less than 250,000 men with 70,000 horses passed through Arcis, and their ceaseless requisitions drove the inhabitants to despair. At Arcis was fought wellnigh the last battle of the campaign of 1814, and it left the town half ruined. Châlons, a much larger place, had almost as much to endure. Its woes began with the removal eastwards of invalids from the campaign of 1813, who brought typhus into the town. In spite of all that the magistrates and generous citizens could do, many of these poor wretches had to suffer the most shocking neglect and brutality. Next came the defence of Châlons by Macdonald, which occasioned a Prussian bombardment, happily not very long or severe. Then followed the passage of Prussians and Russians, corps after corps, every corps making fresh demands for food and lodging. The troops who could not be accommodated within the walls, bivouacked in the suburbs and, as it was winter, demolished the houses for firewood. Whole villages disappeared in this way. The horses in the neighbourhood were requisitioned, so that the fields could not be tilled. To all this loss and suffering was added the constant dread of what severities might ensue if the ever-recurring exactions of the conquerors could not be fulfilled. And, alike at Arcis and at Châlons, this dread was kept poignant by not a few cruel acts rising even to violation and murder. Most of the allied commanders did, however, exercise some control over their men, and one or two showed genuine compassion. Even so, it is hard to understand how the inhabitants of Arcis and Châlons did not all die of hunger. The year 1815 brought back the hostile armies and hardships little less severe. We can well believe that for nine years after, almost the whole municipal revenue of Châlons went to defray the expenses of that evil time.

F. C. M.

The collection of the materials for the eight lives, brief as they are, contained in *Thomas Shortt (Principal Medical Officer in St. Helena), with Biographies of some other Medical Men associated with the case of Napoleon from 1815-21* (London: Stanley Paul, 1914), must have cost Dr. Arnold Chaplin much time and trouble. Only one of them appears in the *Dictionary of National Biography*. The two longest lives are those of Dr. Thomas Shortt and Dr. James Roche Verling, both of whom, it may be noted, were graduates in medicine of the university of Edinburgh; but then five of the eight practitioners whose lives are here written also held the same degree. It does not seem to have been a 'high distinction'; for, whatever the value of this degree may be in more modern times, the late Dr. William Sharpey, who took his M.D. at Edinburgh in 1823 at the age of 21, informed the present writer that in his time it was not always certain that the thesis, on the strength of which the degree was applied for, was the work of the candidate himself. It is also noticeable that the subjects of these lives were connected either with Scotland or Ireland, in accordance with the medical tradition of the king's services in the first half of the nineteenth century. Shortt certainly appears to have been the most distinguished of the eight here spoken of. After leaving St. Helena he became physician to the Royal Infirmary at Edinburgh and lecturer on medicine in the university. Much experience in morbid anatomy does not seem to have been possessed by those present at the examination of the body of Napoleon after death. Dr. Shortt was of opinion that the liver was enlarged, while others held that it was only a large liver. None present seems to have thought of submitting the organ in question to the test of the weighing machine. Nor should a question have been possible amongst the surgeons whether the 'coagulable lymph', the result of the peritonitis caused by the disease of the stomach, were recent or of long standing. Something like what Dr. Chaplin justly calls a 'miserable squabble' was to arise again over the death of another bearer of the name of Napoleon. For at Chislehurst, notwithstanding the precaution that the examination was to be made by a man of European reputation, afterwards Sir John Burdon Sanderson, yet as at St. Helena, one of the physicians present left his colleagues before the examination was complete, and he afterwards issued a separate report, in which he expressed an opinion different from that of the rest. But the second instance is unlike the first in the fact that nearly all, if not all, of the physicians and surgeons who stood around the lifeless body at Chislehurst were men of the highest reputation, while at St. Helena, Dr. Chaplin himself, speaking of those in attendance, says: 'The doctors were all men of limited professional attainments, and, in some cases, of mediocre intelligence. . . . When the curtain fell, they passed from the light, were heard of no more.'¹ It is to be wished that physicians who have the ability for researches such as those of Dr. Chaplin, who has already thrown light upon some of the obscurer parts of Napoleon's illness, would devote some of their hard-earned leisure for similar work. The mark which Napoleon Buonaparte makes upon the history of Europe is so great that few details connected with him can be considered altogether superfluous.

J. W. L.

¹ *The Illness and Death of Napoleon Bonaparte*, p. 93.

A very carefully compiled list of the persons, whatever their rank may have been, who were on the island of St. Helena during the captivity of Napoleon may be found in another work by the same writer, *A St. Helena Who's Who, or a Directory of the Island during the captivity of Napoleon* (published by the author at 3 York Gate, London, 1914). All that is worth recording about them is here set down, and the pages are besides adorned with numerous portraits that, by the diligence of Dr. Chaplin, have been rescued from oblivion. J. W. L.

M. Louis Halphen's little volume, *L'Histoire en France depuis Cent Ans* (Paris: Colin, 1914), does not pretend to give more than a sketch of its vast subject; but he carries out his limited programme with conspicuous success. It is, indeed, not less excellent than Camille Jullian's Introduction to the *Extraits des Historiens Français*, and its plan is so different that there is room for both. His aim is less to describe and measure the achievements of the leading historians than to trace the stages through which the mind of France has passed. The first stage, roughly coinciding with the Restoration, was the awakening of interest in the past by Chateaubriand, Scott, and Augustin Thierry. The second, filling the reign of Louis-Philippe, was the age of the archives, when the search for documents, as he declares a little maliciously, was 'the favourite, indeed almost the sole occupation of historians'. Not till the later decades of the century did Frenchmen realize that erudition was useless without critical methods; and in this connexion M. Halphen emphasizes the importance of the foundation of the *Revue Critique* in 1866. Of course the *École des Chartes* had long known the secrets of the craft; but its influence was small and its operations were confined to the middle ages. The necessity of 'the reign of criticism' is illustrated by the carelessness of Taine and Fustel de Coulanges in their use of authorities. He points out that one of the greatest needs of the time is the critical study of the sources of modern history, of which Boislesle's edition of Saint-Simon is the incomparable model. The closing chapter, entitled, 'L'État Actuel', is the least satisfactory part of the book; for the author devotes more attention to pointing out such dangers as excessive specialization than to recording the memorable achievements of writers in whose works those difficulties have been largely if not entirely overcome. G. P. G.

In an interesting paper, 'A Crisis in Downing Street' (Massachusetts Historical Society *Proceedings*, May 1914), Mr. C. F. Adams modifies the view to which he gave expression in his Oxford Lectures that the reason why nothing was done, in 1862, by the British government in the way of interference on behalf of the Southern Confederacy was the resentment felt by Lord Palmerston at Mr. Gladstone's indiscreet speech at Newcastle. 'In the light of new material contained in recent publications, and more especially from information derived from unpublished English sources,' Mr. Adams now arrives at the conclusion that there was no collision, at this time, between Palmerston and Mr. Gladstone. The true reason for the inaction which occurred was given by Sir G. Cornwall Lewis (Maxwell's *Life of Lord Clarendon*, vol. ii, p. 268). At a meeting of the cabinet held

on 11 November 1862, 'Palmerston saw that the general feeling of the cabinet was against being a party to the representation, and he capitulated'. In Mr. Adams's opinion, it was the emancipation proclamation of Lincoln which finally barred the way to any mediation by Great Britain on behalf of the Confederate States.

H. E. E.

Dr J. G. de Roulhac Hamilton has dealt with *Reconstruction in North Carolina* (*Columbia University Studies in History, Economics, and Public Law*, lviii, no. 141. New York: Longmans, 1914) in an exhaustive monograph of 683 pages. It is not the author's fault that the volume is rather dreary reading, dealing, as it does, with a squalid subject. Dr. Hamilton is, it is apparent, a cool-headed and open-minded critic; the more significant is his deliberate condemnation of the methods adopted by northern carpet-baggers and southern demagogues to govern North Carolina between the close of the civil war and the year 1876.

H. E. E.

M. Henri Welschinger, who was *archiviste* of the National Assembly at Bordeaux, has put into print, together with the texts of the protestations against the cession of Alsace and part of Lorraine tendered by the deputies from those lands on 17 February and 1 March, 1871 (the former drafted by Gambetta and read by Émile Keller), and facsimiles of the signatures, a short series of supplementary documents. These consist mainly of the official reports of the election to the National Assembly held in the Alsace-Lorraine departments occupied by the Germans, the resignations of some of the deputies elected, and the withdrawals of these resignations on the invitation given by the National Assembly at its sitting of 11 March. The historical value of this publication (*La Protestation de l'Alsace-Lorraine*. Nancy: Berger-Levrault, 1914) is enhanced by the addition of a map showing the limits of the cession originally demanded by the German negotiators, which included Nancy, Lunéville, and Montbéliard.

A. W. W.

A seminar of the London School of Economics has compiled, under the supervision of Mr. Hubert Hall, a *Select Bibliography of English Mediaeval Economic History* (London: P. S. King & Son, 1914). The title is modest, or the science of economics is ambitious, since this bibliography embraces many subjects of historical study having but a remote bearing upon political economy—for example, the English Church. The fact is that almost every form of history has its economic side or is capable of illustrating economic studies, and to that extent the epithet is otiose. On the other hand, this work does not enter into competition with Gross's *Sources of English Mediaeval History*, since it deals with the public records (so far as calendared) as well as with modern historical literature, but does not concern itself with original literary sources. It does contain the titles of all modern books which students of economic history are most likely to require, as well as of numerous articles in this and other reviews, but does not attempt the more difficult task of indicating their value or the scope of their contents as is done in Gross's valuable work. The classification, although scientific, does not facilitate reference and involves con-

siderable duplication. Arrangement of records under the heads of diplomatic documents, ministerial proceedings and judicial proceedings is natural to the archivist, but is out of place in a bibliography, for the bibliographer looks to the subject-matter of the text and not to the nature of the sanctioning authority. Finally, the inclusion in this bibliography of sources and literature for continental history introduces further complication. It is stated in the preface that it was intended to issue this portion as a separate volume, but time and materials were found to be lacking. It was tempting to include what had been collected, but this portion of the work is admittedly incomplete, and it may be questioned whether the enterprise would not have gained by jettisoning it.

H. H. E. C.

In *The Economic Organization of England* (London: Longmans, 1914) Professor W. J. Ashley prints a course of lectures delivered before the Colonial Institute of Hamburg in 1912. They are meant to guide those 'who approach for the first time the subject of English economic history', but maturer persons will do well not to neglect them. An old regret is awakened as one reads—the regret that Mr. Ashley's *Introduction to English Economic History and Theory* remains only an introduction after some five-and-twenty years. The sense of proportion, the clear eye for essentials, the knowledge of that present on which history abuts, are here as they were in the *Introduction* of long ago. Here also is the old challenging certainty. 'Evidence derived from Wales . . . indicates that each of the villeins came to hold the same number of these scattered acres because each alike contributed a yoke of oxen to the eight-ox team' (p. 23): it is hardly so certain as that, even for lecturing purposes. 'It was the universal practice for the men of each particular occupation in medieval towns to live close together in the same quarter' (p. 29): contrast York, where 'it is quite clear that there was not that concentration of men in the same trade in one locality, which is found in London, Paris, and Bruges' (Miss Sellars, *The York Memorandum Book*, Surtees Society, p. xv). 'The craft societies of London, Paris, Nuremberg, and Florence were fundamentally alike in form and function' (p. 33): recent studies of the *Arte della Lana* at Florence suggest to me diversity of functions behind the common form, in a few cases at any rate. 'We all know . . . how . . . James Watt was prevented by the Corporation of Hammermen from establishing himself as an instrument maker within the town of Glasgow' (p. 37): Appendix 12 to Lumsden and Aitken's recent *History of the Hammermen of Glasgow* shows that we are all in danger of knowing a legend in this case. These are small matters, however, and a lecturer must both generalize and illustrate without too many paralysing qualifications. How excellently well Mr. Ashley can do both, outside the fields in connexion with which he is perhaps best known to historians, is shown in the last three of the eight lectures—'Agricultural Estates and English Self-government', 'The Industrial Revolution and Freedom of Contract', 'Joint Stock and the Evolution of Capitalism'—which tell one as much as any three lectures could of the essentials of English economic history in the eighteenth and nineteenth centuries. It was

the reading of them which awakened the old regret; for there are true things said here which either have never been said so well or have never been said at all by our economic historians. J. H. C.

We have before us two treatises on Chinese subjects, *The System of Taxation in China under the Tsing Dynasty, 1644-1911*, by Shao-kwan Chen, Ph.D., and *The Currency Problem in China*, by Wen Pin Wei, Ph.D. (*Columbia University Studies in History, Economics, and Public Law*, nos. 143 and 144, 1914). We learn from the first of these that under the Tsing Dynasty the main sources of China's revenue were, as they still are under the Republic, the land tax, salt tax, and customs duties on commodities, whether transported across the sea or merely moved from one part of China to another. In addition to these, there were receipts from the sale of offices, and profits from lotteries, managed either by provincial authorities or by private associations, which paid a heavy fee for the privilege of holding them. The treatise contains much detailed information under the various heads abovementioned, information derived in part from Chinese books not easily accessible to Europeans. But for a general, systematic, well-arranged survey, the inquirer would do well to turn to some other work, such as Mr. H. B. Morse's well-known *Trade and Administration of the Chinese Empire*. Dr. Shao-kwan Chen shows himself quite alive to the manifold abuses connected with the collection of the revenue in China. These abuses, we do not hesitate to say, should not be attributed to any special failings of the Chinese character, but rather to the fact that it is useless to expect honesty from government servants, high or low, unless they are paid a proper wage. It took Great Britain a long time to realize this truth, both at home and in India, and China even at the present day shows no signs of being able to recognize it. It was with some feeling of amusement that at the beginning of the treatise we found Confucius claimed as an advocate of democracy. Certainly, no Chinese who had been educated in his own country would ever have imagined such a thing.

The second book, on *The Currency Problem in China*, deals with a subject outside the scope of this Review. But we may note that the treatise opens with two very interesting and well-written chapters, from which a great deal can be learnt about Chinese money in the distant past. It is not known when the use of metallic money commenced in China; but it must have been long previous to 1032 B. C., at about which date certain regulations with regard to the coinage of money were instituted by the government. At that time the coins were made of gold or copper, not of silver. This metal appears not to have become a medium of exchange till the time of the paper-money troubles, two thousand years later, and even then it was never coined, but was always measured by weight. The introduction of paper money dates from A. D. 806. At that time (the use of gold coins having, we imagine, long before ceased) a shortage in the supply of copper led to the casting of iron coins. As the great weight of these caused intolerable inconvenience, there arose the practice of lodging sums in the treasury and receiving from it certificates of deposit. These certificates were taken

about the country by merchants and used as money in distant parts of it. Regular currency notes were first issued by an association of wealthy merchants in the province of Szechuan about A.D. 960. Like the deposit notes, they were intended to obviate the inconvenience of the use of iron coins, and their guarantee was the high commercial standing of the associated merchants. Not long afterwards the central government began to issue similar notes on its own account. At first the quantity in circulation was carefully restricted, and a specie reserve was kept. Later, when long wars had emptied the treasury, notes were employed simply as a means of raising funds, and all prudence was thrown to the winds. In about A.D. 1127 the notes in circulation represented twenty times the sum originally fixed on as the limit of the issue, and they had depreciated to one-tenth of their face value. Succeeding dynasties when in want of funds have also tried the experiment of issuing paper money; but the attempt seems always to have ended in disaster and repudiation. In conclusion, we wish to compliment Dr. Wen Pin Wei on his work, and hope that he will publish further studies of Chinese subjects.

T. L. B.

The Ottoman history of the Vicomte de la Jonquière has never satisfied the crying need for a modern and compact history of the Turkish Empire, and it does not satisfy it now (*Histoire de l'Empire Ottoman*, nouvelle édition entièrement refondue et complétée, 2 vols. Paris: Hachette, 1914); but there is no better and, indeed, for practical purposes, no other history—certainly none in English worth mention. Mr. William Miller missed a chance when he chose to make his *Ottoman Empire* a history only of the Balkan States. So we are driven back to La Jonquière, in spite of its purely political scope, its curious faults of proportion, its prejudices, and its lack of evidence that the author knows much of the Ottoman Empire at first hand, or indeed has more than a small-scale knowledge of its map. In this new issue the contents of the earlier edition have been swelled by some sixty to seventy pages, and, further, by almost a whole new volume devoted to Turkish affairs from 1880 to the end of 1913. Much, of course, has happened in these thirty odd years to justify a considerable addition to a political history which used to conclude with the Treaty of Berlin. Since then the Ottoman Empire has been shorn of all its European provinces except one, of all its African, of Crete and most of the isles and of the Hasa. The Hamidian régime is no more. Turkey has passed through all sorts of phases, military, constitutional, revolutionary, and has begun development in various directions, and in some of these has even finished it.¹ M. de la Jonquière would probably plead that so great are these changes, so momentous these events, that their interest is equal to that of all the previous episodes in Ottoman history taken together. For ourselves, however, we must say that, apart from the evident fact that the end is not yet, and apart from doubts whether the real change is as great as the apparent, the second volume would have lost little by severe reduction and have gained much by more proportionate treatment. It is altogether out of scale. The events by which Egypt

¹ [It may be well to mention that this notice was in type last September.—
ED. E. H. R.]

and the Sudan were lost to Turkey occupy about four pages. There is no chauvinist reason for this, dependent though the author is on French authorities; for the French occupation of Tunisia is dismissed in two pages. On the other hand, the petty Tabah affair has three pages to itself, and the preliminaries of the Baghdad Railway construction occupy almost twenty. The reign of Abdul Aziz (fifteen years) takes forty pages: that of Abdul Hamid (twenty-three years) a hundred and thirty: the revolution and counter-revolution (one year) ninety: the reign of Mohammed V (five years) nearly two hundred. We stand too near the events of even 1908 to be able to deal with them in due proportion and without prejudice. M. de la Jonquière's encomium of such men as Ahmed Riza, and censure of such as Kiamil Pasha, have just as much, or as little, historical value as the views of leader-writers in British or French journals. D. G. H.

The sixth edition of M. Alfred Rambaud's well-known *Histoire de la Russie* (Paris: Hachette, 1914) is a reprint of the fifth edition, which appeared in 1900. A chapter dealing with the years 1900-13 has been added by Professor Émile Haumant, whose works on Russian literature are well known. This important period, which includes the disastrous war with Japan and the abortive revolution, is disposed of in 50 pages, which can, of course, only give the merest outline of the events which have crowded these thirteen years. The value of the book has been materially lessened by the omission of the coloured maps, of which there were six in the last edition, and which were quite good. N. F.

Mrs. G. W. Hamilton has given us in *Siciliana* (London: Bell, 1914) another volume of selections from Gregorovius's Italian sketches, translated into English. These relate to the old kingdom of the two Sicilies, and include a lucid account of its political history between 1830 and 1852, together with essays, partly historical, partly descriptive, on Palermo, Agrigentum, Syracuse, and a few other places. No one could do this sort of thing better than Gregorovius; and though he may occasionally stand in need of correction to-day, his writings may still be commended to those who seek for information about these lands, whether at home or beneath the Italian sky. G. McN. R.

In *Some Accounts of the Bewcastle Cross between the years 1607 and 1861* (*Yale Studies in English*, 1. New York: Holt, 1914), Professor A. S. Cook has collected in a handy form the early literature on what is perhaps the most discussed monument in the British Isles. He has appended a number of notes, largely by way of philological comment on the early readings of the runes. He admits that nothing appears to have been more legible two and a half centuries ago than at present. This gives the collection little more than a mere antiquarian interest, as the modern investigator may attack the problem afresh for himself. The fact that Haigh and Maughan contradict themselves need not vitiate the early dating of the monument, still in favour with many authorities, since the modern bases for such an opinion are much wider than any on which the earlier writers took their stand. A perusal of the collection

may show that there is little hope that the runes will ever furnish a solution of the date of the monument, but there still remains the sculptural evidence, and here we consider that Professor Cook has gone almost as far astray in his twelfth-century dating as Roscarrock did in 1607, though for different reasons.

E. T. L.

The completion by Miss Mary Dormer Harris of her edition of the *Coventry Leet Book* (Early English Text Society. London: Kegan Paul, 1913) places the mediaeval records of Coventry alongside those of Leicester, York, Norwich, and Nottingham, and renders them fully accessible in a competently edited form to the student of comparative municipal history, who will find in them material of the highest value. Only a small portion of the Leet Book, containing nothing of first-rate importance, remained over to be included in this final volume (part iv), the rest of which is devoted to three indices of exceptional thoroughness and to a scholarly introduction, in which Miss Harris discusses the manuscript of the Leet Book, the functions of the Leet, and its relation to the twenty-four and forty-eight (here as elsewhere shifting and indeterminate entities), and, in a final chapter on the Leet Book as Chronicle, gives, amongst other things, an interesting summary of the financial and military exactions of the central government during the Wars of the Roses. A facsimile page is given and two maps are added, which will greatly facilitate the careful study which these records certainly deserve.

G. U.

M. D. Pasquet's *Londres et les Ouvriers de Londres* (Paris: Colin, 1914) is a substantial economic and sociological study of over 700 pages, with an introductory historical chapter of some 40 pages. The history in the body of the work covers only the very latest age, and so, though valuable, hardly requires comment here; and that of the introductory chapter, though sufficient for the author's purpose, does not profess to be a contribution to knowledge. M. Pasquet's interest is in the contemporary problems, and, with rare exceptions, he does not look back beyond, shall we say, the beginning of Mr. Charles Booth's great inquiry or the establishment of the London County Council. He has a judicious knowledge of the economic history of the nineteenth century in its relation to the problem of his choice; but his plan allows of no historical elaboration. His book is for the economist. The historian welcomes in it a scholarly comprehension of the remoter forces which have made the present and will help to shape the future.

J. H. C.

THE ENGLISH HISTORICAL REVIEW

NO. CXVIII.—APRIL 1915*

Archbishop Stratford and the Parliamentary Crisis of 1341

PART II

IT has been already shown how the king's change of ministry in December 1340 and the subsequent measures which he took to fasten the responsibility for his failure in Flanders on the disgraced ministers had involved him in a serious dispute with the archbishop. The dispute turned on questions of class privilege and constitutional theory, and both parties to it had made vigorous attempts to arouse and form public opinion. The scene of these attempts now shifts from pulpit and market-cross to Westminster. From the outbreak of the controversy the archbishop had asked for a parliament and professed his willingness to stand trial by his peers and to clear himself in parliament. Down to March 1341 the king had contended that it was not 'convenient' to summon a parliament at that time. Let us now see what occurred when the meeting took place.⁷⁴ Parliament assembled on Monday, 23 April, but no business was done until the following Thursday. On the Tuesday morning, however, when the archbishop appeared at Westminster he was directed by two of the king's council to go to the exchequer to answer certain charges.⁷⁵ This he did. Those who turned him away were Sir John Darcy, the chamberlain,

⁷⁴ See Birchington in *Angl. Sacr.* i. 37-8, and *Rot. Parl.* ii. 126 ff.

⁷⁵ I do not discuss here the question of the archbishop's business in the exchequer. Mr. Pike has done good service in dispelling the notion that he was, or could have been, tried there (*Const. Hist. of the House of Lords*, pp. 186 ff.), and Mr. Vernon Harcourt has made it clear that the financial business on which he actually went was much more important than Mr. Pike had been willing to allow; he names it a 'damaging incident' for the archbishop, and 'useful material for cross-examination' (*His Grace the Steward and the Trial of Peers*, pp. 333 ff.).

and probably ⁷⁶ the Darcy who was with the king on his return in November,⁷⁷ and Lord Stafford, the steward of the household, the same who had been sent to Canterbury by the king in the preceding January to summon the archbishop.⁷⁸ On Friday, 27 April, Stratford again attended at Westminster, where he was once more told to go to the exchequer, this time by Darcy, Giles de Beauchamp, who, like Darcy, had been with the king on his return, and Ralf de Neville. Stratford refused, and having made his way to the other bishops who were in the Painted Chamber, took his place among them. The king did not appear, but sent a message by Darcy and Adam of Orlton, bishop of Winchester.⁷⁹

The next day the archbishop, continuing the rôle of Becket which he had assumed at Canterbury in December, took part in a scene which his opponents not unsuccessfully attempted to turn into ridicule. On presenting himself at Westminster he was told, civilly enough, by the sergeant at arms that the king was holding his parliament within and that they had orders not to admit him. He named his office, position, and writ, and was still refused admission, along with his brother and nephew, the bishops of Chichester and London. He declined to leave without the king's express command. Presently both the Darcys (father and son), Giles de Beauchamp, and Sir J. Medham appeared, and the elder Darcy angrily asked the archbishop what he was doing. Stratford reasserted his undeniable claim to enter and his intention to remain until it was satisfied. 'May you stay there for ever and never depart,' said Darcy. Stratford then assumed the rôle of Christian martyr, offering his body to torment and hoping to render his soul to his Maker, to which Darcy rudely replied, 'No such thing—you are not so worthy nor we so foolish'. When Stratford continued his high line, describing himself as having come humbly bearing his cross to his lord king, Darcy told him he was not worthy of the cross he bore and brought up the old charges of having misled the king in his youth. Beauchamp now intervened and with great violence accused Stratford of having wrecked the king's policy in France. Stratford repudiated the charges and launched a fine impersonal curse on all who might be responsible. Darcy and Beauchamp together expressed their expectation of seeing the curse light on the

⁷⁶ When Birchington mentions the father on the same page (39) he adds 'senior'.

⁷⁷ Murimuth, p. 116; *Foedera*, II. ii. 1141.

⁷⁸ *Angl. Sacr.* i. 19 ff.

⁷⁹ Orlton was an old political rival of Stratford's, and so strongly suspected of having written the *libellus famosus* that he took this opportunity of assuring the archbishop that he had not done so. *Qui s'excuse s'accuse*. Avesbury says, 'Litera quam dominus Adam, Wyntoniensis episcopus, præfato domino archiepiscopo semper infestus, ad quorundam ipsius archiepiscopi aemulorum instantiam, prout dicebatur a pluribus, fabricavit' (p. 330).

archbishop's own head and departed, thus ending a scene the indecency of which can scarcely be excused on the ground of the sympathy which it may be supposed to have attracted to the archbishop.

Having failed to turn the Stratfords away by coarse abuse, the question must have arisen as to how to deal with them. At length the earls of Northampton—William de Bohun, another of those who had been with the king on his return—and Salisbury appeared and, having agreed to take a message to the king, led the whole party to the small hall, where they found the other bishops. Birchington asserts that they then went to the Painted Chamber, where, after some talk of a reconciliation, the king withdrew and an angry debate ensued. Orlton, who is described as the king's chief councillor, is alleged to have been convicted by the peers of having made certain false charges against Stratford. As the king did not return, the meeting broke up in anger. We must not take the words 'per pares praedictos convictus' too literally, or indeed in a technical sense at all. What appears to have happened is that Stratford received some support and placed the government in a difficult position. It is not unlikely indeed that the events of this day marked the beginning of a defection of the peers from the government and their alliance with the archbishop on the ground, as we shall explain presently, of common interest in the matter of privileges and common dislike of the councillors who were in control. Certainly this would explain a scene described by the London chronicler, which would seem to fit best at this point in the narrative. The chronicler writes⁸⁰ that when parliament met, the archbishop, his brother, and the bishop of London were excluded by the contrivance of William de Killesby. At the end of the second week—28 April, the date which we have reached suits this—the earl of Warrenne came to the king in parliament, where he found Parning, Stafford, Killesby, Darcy, and others who 'ought not properly to sit in parliament'.⁸¹ This, of course, is the expression of a theory, not a constitutional rule, although it was as such, no doubt, that Warrenne and his friends wished to treat it. The earl then turned to the king and took up his parable. 'How goes this parliament?' he asked. 'Those who ought to lead are excluded and others are here in parliament who ought never to be in such a council where only the peers of the land can support you, lord king, in your great need.' On this Darcy rose demurely

⁸⁰ *French Chron. of London*, p. 90. The text gives the bishop of Lichfield, but Stratford's nephew, the bishop of London, must certainly be meant.

⁸¹ Stafford was summoned as a lord by the same writ as Warrenne, and Parning, as treasurer, had a special writ; see *Lords' Reports*, iv. 530-1. No doubt the others came as ordinary councillors without writs; see Baldwin, *King's Council*, pp. 76, 312-13.

and withdrew, and presently Killesby and the others followed him without a word. This was a blunt statement of the opposition programme, and it was so far relevant that there was no ground for excluding the archbishop once he had been summoned. The chronicle adds that Arundel then proposed to admit the archbishop and hear him, and if he were not able to clear himself, that they should deal with him.⁸² This conjecture receives corroboration from the policy of the ministers on the succeeding days. On Sunday Darcy and Killesby tried to secure the support of London by bringing the mayor, aldermen, and *communitas* to Westminster and then laying before them certain articles against the archbishop 'ut sic contra eum dictam civitatem excitarent'.⁸³ On Monday they published certain articles addressed 'communitati Angliae', 'ut sic ipse archiepiscopus totius communitatis Angliae perderet voluntatem; volentes ipsum archiepiscopum exulem fore a cordibus Anglicorum'. By the word 'communitas' here we must understand the parliamentary representatives of the commons, for Birchington expressly states that nothing else was done in parliament on that day.

For the important events of the subsequent week, Birchington is evidently confused, but he has quite plainly used good authorities. Through his official Canterbury version of what happened we may discern with the aid of the rolls of parliament what appears to have been a neat piece of parliamentary manœuvring. Birchington says that on Tuesday, 1 May, the archbishop offered to clear himself in parliament of all the charges that had been brought against him and that a committee of twelve peers, whom he names, was elected to advise the king in the matter. Now we know from the rolls that a committee, consisting of six peers, was appointed for that purpose on 12 May, and also that on Thursday, 3 May, the committee named by Birchington actually was appointed for the purpose of considering, not the archbishop's case, but a petition of the lords for certain important legislation. If, then, we correct Birchington's chronology and suppose that Stratford offered to clear himself on Thursday, 3 May, what follows in Birchington agrees perfectly with the evidence of the rolls and supplements it in some important particulars. On Friday, 4 May, then (Wednesday, in Birchington), the archbishop in the king's presence in parliament again asked leave to clear himself, but 'the aforesaid councillors of the king'—this must refer to Darcy and Killesby who have just

⁸² The chronicler adds that the king consented and that a list of articles was drawn up in writing, all of which the archbishop denied. But he seems to be confusing later events with what happened on this day.

⁸³ Such meetings of the Londoners at Westminster seem to have been usual enough; cf. Riley, *Memorials*, p. 209.

been referred to as 'totius discordiae incentores'—refused to hear him, and when he persisted they shouted him down. Parliament was adjourned, and the next day a scene occurred which changed the whole complexion of affairs and must have placed the government in a very difficult position. An appeal on behalf of the archbishop was addressed to the king by a strong party of lay and spiritual peers, the mayor of London, the barons of the Cinque Ports, and the knights of the community of England; in reply Birchington says that the king received back the archbishop to his favour and held him excused of all the charges that had been made against him. But the statement, as we shall see, is a mistake. Still, from this moment Stratford's personal case falls more and more into the background, for he had succeeded in creating a parliamentary party and his demonstration in force was precisely an announcement of that. An examination of the names given by Birchington reveals some interesting political changes. Stratford was supported by the bishops, three abbots, five earls, eight barons, and two lords, together with the commons, as it would seem, *en bloc*. But it is important to notice that he had succeeded in detaching a member of the government, his old enemy Darcy the chamberlain, and the Londoners.⁸⁴

On what basis, we must ask at once, was the new alliance made? What inducement could Stratford hold out to bring together elements so divergent and some of them at least so recently hostile to himself? If the king or his minister, Bouchier, the new lay chancellor, and Parning, the treasurer, asked themselves the question, they received an unmistakable answer when on the following Monday (7 May) the lords' committee reported. The terms of the reference had been relatively narrow—the magnates had asked for a declaration and extension of certain privileges of peerage in the matter of exemption from responsibility to the ordinary courts. The committee reported favourably on the fullest measure of this privilege. They added in general terms a proposal for something like parliamentary control of ministers, and the observance of the privileges of the church, of the laws and charters, and other franchises and liberties acquired and enjoyed

⁸⁴ At first sight this would seem to be the point at which Warrenne's protest should be introduced. But this would not leave time for the archbishop and the peers to have come to an understanding and concerted the action, which, as I try to show later, they actually did. Then, too, we must leave time for the opposition to approach and secure the Londoners and the commons. The ministers' action earlier in the week, and their apparent sense of security in shouting down Stratford on the Friday, would indicate that they supposed themselves secure of their support. If, however, after this scene Stratford could approach them with a programme powerfully supported by lay and spiritual peers, and some persons detached from the government, and a suggestion that this was the opportunity for securing the constitutional changes that were afterwards proposed and carried through, they may well have had reason to change their minds.

by the city of London and the cities and boroughs, the Cinque Ports, and the *commune de la terre*. On this followed a series of petitions working out these points in detail and proceeding from the lords alone, the clergy, the lords and commons, and the commons alone. What was asked for was little short of revolutionary. On the same day the archbishop humbled himself before the king in full parliament and asked to be received back into his favour. The king consented and all the prelates and magnates thanked him. The archbishop then asked leave to clear himself in parliament before his peers 'that he might be openly held for such as he was', that is, as a peer and entitled to at least some of the privileges of his rank. But this was to anticipate what Stratford's party was striving for, and the king therefore, while professing to agree, stipulated that the affairs of the kingdom and the common welfare, in other words, supply, must first be dealt with.

If now we consider the events that led up to this crisis and the demands that it produced, we shall see that practically every element in society whose existing privileges had been compromised by the king's actions since his return was combined not only to guarantee those privileges against further attack, but also to extend them as much as possible. These discordant elements had so much in common: they wished to be secured against the arbitrary administration of the king's officers, and they wished to increase their own privilege by limiting the prerogative. Yet even at the beginning of the week they seemed to have little perception of their common interest. The Londoners were being manipulated by Darcy and Killesby, animated perhaps by the anti-clericalism that had led five months earlier to the appointment of a lay chancellor.⁸⁵ The magnates in their original petition were seeking the advantages of their own order. Who brought them together and made them perceive their common interest and the pressure which they could exert by common action? We may ask another question, *Cui profuit?* At the beginning of the week the archbishop was apparently isolated and discredited. The government attempted to embarrass and browbeat him, if possible to exclude him from parliament, and if not, to influence that body, through the Londoners, against him. But Stratford was in a very strong position and he seems to have known it. He met bluster and violence with melodrama, and stood out for a right—that of admission—which could not be denied him. Once in parliament, he was sure of his ground, and it is scarcely rash to conjecture that he gained some support among the peers during his altercation with Orilton on Satur-

⁸⁵ It will be remembered that Edward had employed the mayor of London to arrest the judges.

day, the 28th, but did not see his real opportunity until the lords' petition was committed on the following Thursday, and that between that and the succeeding Saturday he was able to form a party, as has been suggested, on grounds of common interest.

We may now follow the parliamentary struggle to the end. The opposition had overreached themselves by asking too much; to have granted the demands of the peers would have been practically to constitute an irresponsible oligarchy, and it may have been with some apprehension of what was actually to take place that the peers asked for the inclusion of certain sages of the law in the committee. As has been pointed out, the first committee contained none such.⁸⁶ On Wednesday, 9 May, the king's replies to the petitions of the lords and commons were reported in full parliament, but they were not considered satisfactory, and the king was asked to amend them. We know from another quarter that the king and his government were resisting the demands of the opposition; Murimuth reports that for a long time the king refused the demands of the peers 'iuxta privatum consilium suum'.⁸⁷ The utmost that he would consent to at this time was the reference of the matter to a new committee which was to contain—and actually did contain—certain sages of the law. The changes in its composition are interesting but not altogether clear. Of the bishops London only remained; Durham, Ely, and Salisbury replacing Hereford, Bath, and Exeter. Montacute of Ely and Wyvill of Salisbury seem to have been men of no political significance, and the same may be said of Charleton of Hereford and Ralph of Shrewsbury of Bath. But we know how Grandison of Exeter had aroused the wrath of the king, and Bury of Durham who took his place had been Edward's tutor,⁸⁸ and his appointment to the see of Durham was irregular, as another duly elected bishop had already received consecration.⁸⁹ Among the earls, Northampton, who, as we have seen, was with the king on his return in November, replaced Suffolk, who had spoken for the archbishop on the previous Saturday. The rest of the committee remained unchanged, except for certain important additions: the chancellor (Bourchier), the treasurer Parning (a judge), John de Offord, a civilian, William Scot, who had succeeded Parning as chief justice of the king's bench, and Robert de

⁸⁶ Vernon Harcourt, *His Grace the Steward*, pp. 342-3; cf. Pike, *House of Lords*, p. 195, who seems to have been mistaken on this point.

⁸⁷ Murimuth, p. 119.

⁸⁸ Professor Tout sees reason to deny this; see *The Place of Edward II in English History*, p. 378. I regret that this valuable book reached me too late to be made use of in this article.

⁸⁹ Cf. Ramsay, *Genesis*, i. 239-40.

Sadington, who was chief baron of the exchequer.⁹⁰ Thus the king's party in the committee was strengthened, and the body further received a strong official and legal element.

After the appointment of the committee on 8 May the clergy submitted their petitions, to which the king's answers were reported on Friday, the 11th. These were debated in full parliament, were judged unsatisfactory ('pas si pleisantes come reson demanderoit'), were further debated and amended by the magnates, until at last an agreement was reached.⁹¹ The next day (Saturday, 12 May) the king's answers to the lords and commons were delivered.⁹² On the same day these replies were woven into a statute 'signed' by the lords and commons and offered to the king as the price of a grant of thirty thousand sacks of wool.⁹³ Then the chancellor, the treasurer, and certain justices of either bench, when (along with certain officers of the king's household) they were sworn on the cross of Canterbury to maintain the statutes, 'made their protestation that they had not assented to the making or the forms of the said statutes, and that the statutes were contrary to the laws and usages of the kingdom which they were bound by oath to guard'.

Meanwhile the charges against the archbishop remained to be disposed of; they had, of course, ceased to have any practical importance,⁹⁴ and no doubt the best course was that actually taken, namely, to let the whole matter rest until such time as it could be decently extinguished. Accordingly, on 12 May a committee consisting of two bishops and four earls was appointed to hear the archbishop's replies, and advise the king and his council as to the procedure which should be adopted. The whole record was to remain with Killesby, the keeper of the privy seal.⁹⁵ The committee informed Stratford that they could not then deal with the matter and so it remained in suspense.⁹⁶ In the parliament of 1343 the king directed that the 'record' of the 'arraignment' of the archbishop should be annulled as untrue

⁹⁰ *Rot. Parl.* ii. 129, no. 17. All these had had special writs to this parliament. *Lords' Report*, iv. 531; Foss, *Judges*, iii. 473, 485, 492.

⁹¹ *Rot. Parl.* ii. 129-30, no. 26.

⁹² *Ibid.* p. 130, nos. 34-41.

⁹³ *Ibid.* no. 42.

⁹⁴ Importance, that is, for the actual political struggle. All the principles involved in Stratford's personal case were covered by the provisions of the new statute. He claimed, it would seem, the privilege of a peer in all cases except accusation of treason, when he fell back upon the *privilegium fori*. Of course, in view of the repeal of the statute, it was unfortunate for his party that his case was not actually brought before parliament. No doubt the government saw what an important concession they would make by doing so. On the other hand, the parliamentary record of the petitions and the statutes based upon them probably constituted an historical precedent at least as important as the legal one which the trial of the archbishop would have furnished. The whole question is instructively treated in Pike, *Const. Hist. House of Lords*, pp. 186 ff., and Vernon Harcourt, *His Grace the Steward*, pp. 338 ff.

⁹⁵ *Rot. Parl.* ii. 131, no. 44; 132, no. 49.

⁹⁶ Murimuth, p. 120.

and contrary to reason, and John de Offord (who was destined to succeed Stratford at Canterbury) was ordered to bring the documents into parliament and destroy them there.⁹⁷

Having disposed of the troublesome case of the archbishop, it remained for the king and his ministers to get rid of the still more troublesome statutes. Edward has been so severely censured for his action in this matter, that it deserves to be examined with some care. On 1 October 1341 letters close⁹⁸ were issued to all the sheriffs of England directing them, under certain reservations, to proclaim the repeal and annulment of certain pretended statutes made in the last parliament. It is important to take account of these reservations. It is provided that whatever articles in the statute have been approved by other statutes of the king or his predecessors are still to be observed. The king justifies his action on constitutional grounds. Certain articles in the statute, he says, are expressly contrary to the laws and customs of the kingdom, and the royal rights and prerogatives. These the king is strictly bound by oath to maintain, and he wishes therefore to correct what has been imprudently done, and has consulted his earls, barons, and other councillors (*peritis aliis*). Protests, he adds, were entered against the statute when it was made and the king himself did not consent freely to it: there was great danger that the parliament would break up in discord with nothing done (that is, with no grant of supplies), and thus ruin the king's great undertaking; therefore he dissembled, as was proper, and allowed it to be passed. The council agreed that since the statute did not proceed from the king's free will it was null and ought not to have the force of a statute, and this doctrine was expressed in the rubric of the repealing ordinance, which runs 'de statuto revocando, quod a voluntate regis gratuita non processit'.⁹⁹

Now this would seem to be a perfectly defensible position. There was a fundamental law and a prerogative, and the king was bound to defend both. Appeal might indeed be taken to the statute of York, which, by forbidding constitutional changes unless made in a prescribed fashion, did indeed admit the possibility of such changes.¹⁰⁰ But to this it could be answered that the king's consent was essential to such changes. Further, the changes contemplated by the statute of 1341, in so far as they were political, may well be thought to have been unworkable. We say, in so far as they were political, because the statute had this in common with the changes proposed in 1258 and 1311 that it combined constitutional innovation with much-needed

⁹⁷ *Rot. Parl.* ii. 139, no. 22.

⁹⁸ *Foedera*, II. ii. 1177, also in *Statutes of the Realm* (Record Comm.), i. 297.

⁹⁹ *Foedera*, II. ii. 1177.

¹⁰⁰ Cf. *ante*, xxviii. 118-24.

administrative reform. What the king now proposed was to reject the one and accept the other, and if he had carried this through we could only have applauded his wisdom and discretion. The ordinance repealing the statute had been made by the king and council, and although the theory was not yet perhaps clearly worked out, it would seem in practice to require parliamentary confirmation. The next parliament met in the spring of 1343¹⁰¹ and was the scene of the last act of the constitutional drama which we have been following. The details which we have now to relate appear to indicate that the lords and clergy, having been disappointed in their attempt to secure recognition of their special privilege by statute, had given up the still more difficult attempt at constitutional reform, although the commons stuck to it.

When parliament assembled the chancellor raised the whole question of the administration of justice, intimating that the king desired that 'the law should have equal course between poor and rich' and should be properly observed, and charged the lords and commons to debate the subject separately and report to the king.¹⁰² The next day the commons reported, advising that justices assigned should be elected and sworn in parliament and that the articles of their commission should be drawn up and approved by lords and commons.¹⁰³ On this the king and the lords drew up a list of articles which they submitted to the commons for approval, but the suggestion of the parliamentary control of the justices they appear to have ignored.¹⁰⁴ The further discussion turned on the subject of alien merchants, money and currency, and some technical legal points. Then followed the quashing of the 'articles' against the archbishop to which we have already referred, and finally the formal record of the parliamentary repeal of the statute, which contains a new and important point.¹⁰⁵ After the words of repeal it is set forth that, since certain articles in the statute 'were reasonable and according to law and reason, the king and his council grant that such articles and others granted in the present parliament should be made into a new statute by the advice of the judges and other wise men and held for ever'. Now this represents an advance over the words of the ordinance of October 1341 in two points. In the first place, it is admitted that certain innovations were constitutional and should therefore be retained, and in the second a new statute is definitely promised. But the great roll that contains the statutes of the seventeenth and eighteenth years of Edward III appears to show that this promise was not fulfilled.

¹⁰¹ *Rot. Parl.* ii. 135-45.

¹⁰³ *Ibid.* no. 11.

¹⁰⁵ *Ibid.* p. 139, no. 23.

¹⁰² *Ibid.* p. 136, no. 10.

¹⁰⁴ *Ibid.* p. 137, no. 12.

A possible explanation of, though scarcely an excuse for, this breach of faith, may be found in the parliamentary petitions for 1343, which seem to reflect a great struggle. Those that are relevant are as follows. The commons ask that the statutes be maintained in their force, to which the king replies that they should be examined and amended and the good ones observed.¹⁰⁶ They then asked specifically for the observance and maintenance of the statutes of 1341, for which they had given the king the ninth and 30,000 sacks of wool. To which the king replied that he had repealed them as containing matter derogatory to the Crown and contrary to the law, but promised that whatever was honourable and profitable in them should be made into a new statute.¹⁰⁷ The commons then returned to the charge, petitioning against the repeal of statutes made by parliament, asking that the chancellor and treasurer should always be peers or other wise and sufficient persons, that no alien should be appointed, and that the chancellor and treasurer should not be justices.¹⁰⁸ In reply the commons were referred, as far as the statutes were concerned, to the answer already given. For the rest the royalist theory is bluntly expressed: 'The king may make such ministers as he pleases, as he and his ancestors have done in time past. It pleases him to make such ministers as be good and sufficient for him and for his people. As for their obedience, the king may charge his chancellor and treasurer to provide for the welfare [*faire le profit*] of him and his people, as may seem good to him and his council.'¹⁰⁹ Although this view of the constitution is not one that was destined to succeed, it is important to observe that in 1343 it had not yet failed.

Two reasons suggest themselves for the king's neglect to carry out his undertaking. In the first place, the fact that the commons were still pressing for the principle of ministerial responsibility to parliament, and were prepared to urge it even in the case of judges, might have made it very difficult to frame a statute containing the desired administrative reforms without in some way conceding the principle. In the second place—and this point, unfortunately for the king's credit, needs no labouring—the parliament of 1343 made no grants. It is not suggested that this is any excuse for Edward's conduct, but the view that he was acting in good faith until the temper of the commons alarmed and embarrassed him is not, I think, inadmissible. I believe that he was quite right to repeal the statute and that it was done in a regular way by an ordinance based on the judges' protest and confirmed by parliament; the wrong—and it is

¹⁰⁶ *Rot. Parl.* ii. 139, no. 26.

¹⁰⁷ *Ibid.* no. 27.

¹⁰⁸ Parning became chancellor in October 1341.

¹⁰⁹ *Ibid.* p. 140, no. 32.

a comprehensible if not an excusable one—lay in not granting a new one.

It was said at the outset that the political controversy which we have just reviewed was essentially an attempt to settle certain constitutional questions. It would have been equally true to describe it as an attempt to convert certain political aims into constitutional principles. It will be profitable therefore to detach and examine some of these separately. We may begin, therefore, with what may be regarded as one of the few fixed points in the constitutional practice of the time. This was the idea that there was a certain body of privilege, custom, and law which should be regarded as inviolable either from customary sanction or because it could be referred to some definite transaction recorded in a charter or similar document. At every stage in the dispute both parties appealed freely to the Great Charter, the terms of which it was suggested were being infringed. But the views taken of the authority of the Charter, its relation to the law of the land, the extent and fashion, in short, to which it could be invoked as a fundamental law restricting and sometimes, therefore, invalidating new legislation, varied considerably. Perhaps it is too much to say that the Charter or the laws connected with it were regarded as fundamental in the sense that they would limit the legislature and the Crown acting together. The older view, that they were concessions limiting the prerogative, purchased by the great classes of the kingdom and guarded by them as matters of privilege, seems rather to prevail. This is well put in the petition of the commons in the Easter parliament of 1341 :

The commons of the kingdom pray the king that the points of the Great Charter made by the king's ancestors and the magnates of the kingdom, wise and noble and then peers of the land, and other ordinances and statutes made for the profit of the common people containing the points of the Charter and others which are permanent, should be observed without infringement unless such be permitted by the peers of the land and that in full parliament. To this end the ninth was granted and the king renounced [March 1340] certain claims against his people. The king is asked to provide such remedy that every one shall be before the law according to his condition without in future being dealt with contrary to the law and the tenor of the Great Charter and all other ordinances and statutes.¹¹⁰

The view of the matter here taken seems to be that the sum of the customary law, the Charter and the statutes, forms that

¹¹⁰ *Rot. Parl.* ii. 128, no. 9. Cf. p. 112, no. 6 (March 1340), where an aid is granted to obtain certain concessions, a committee is appointed, and to it are submitted 'les points et articles qe sont perpetuels'. I have given the substance of the petition in the text rather than a full translation.

law which the king was bound by his coronation oath and paid by his subjects to observe. The notion seems to be that the king should act lawfully, rather than that he should be bound by any fundamental or organic law. There is a distinction here, because changes made by the king and parliament together would be understood as lawful action. Stratford had already warned the king that he was following a course 'contrary to the law of the land which he was bound by the oath taken at his coronation to guard and maintain';¹¹¹ but he takes a different view of the Charter, as we shall see, emphasizing its ecclesiastical sanction. This conception of the law of the land comes out even more clearly in the terms of the statute.

The liberties of the church, the charters and other statutes made by the king and his progenitors the peers and commons of the land, for the common profit of the people are to be observed in all points. If any one of any condition infringes them let him be at the judgement of the peers in the next parliament. Whoever goes against any points of the Great Charter or other statutes or the laws of the land . . . shall answer in parliament . . . as well at the suit of the king as at the suit of the party where neither punishment nor remedy was appointed before.¹¹²

This, no doubt, was what struck the chronicler as an attempt to enforce the observance of the Charter *ad unguem*,¹¹³ but they seem to be conceived much more as acquired privilege than any fundamental law.

Stratford's view of the matter holds it up in a somewhat different light. He distinguishes in his letter of 1 January between the law of the land to which the king is bound by his coronation oath and the Great Charter for the infringement of which he may incur excommunication. The distinction is quite clear, for he has already censured the king for arresting people contrary to the law of the land and the Great Charter.¹¹⁴ It was natural that Stratford should insist on the ecclesiastical sanction of the privileges secured by the Charter and think of enforcing their observance by excommunication, just as the commons had, by reminding the king that they had granted the ninth to secure a like concession, conveyed a threat of withholding supplies. But even if one conceived of the Great Charter and laws and customs of the kingdom as a group of class privileges acquired and preserved in different ways, they operated, when they came to be enforced, as a fundamental law so far, at least, as the arbitrary exercise of the royal power was concerned. There is evidence for the theory that there was a mass of law, custom, and privilege, which, however sanctioned or acquired,

¹¹¹ Avesbury, p. 325.

¹¹² *Rot. Parl.*, ii. 132, no. 50. The translation is condensed.

¹¹³ Avesbury, *loc. cit.*

¹¹⁴ *Ibid.*

ought not to be injured or altered. Even the king in his most angry moment admitted this by implication. The archbishop, he is made to say in the *libellus famosus*, has recently excommunicated violators of the liberties of the church and the Great Charter, 'to injure the king's reputation and defame his officers, excite the people to sedition, and withdraw the devotion of the magnates from him'.¹¹⁵ The specification of the classes to be influenced is very instructive. The king admits, then, the existence of a body of law which he cannot afford even to appear to break; but to this he can oppose another imperative principle, namely, the prerogative. This is brought out very clearly by the terms of the formal repeal of the statute which is described as contrary to the laws and usages of the kingdom and the rights and prerogatives of our lord the king,¹¹⁶ and when the commons reminded the king that to obtain the statute they had made a special grant, they were told that 'the king lately perceiving that the said statute was contrary to his oath and in derogation of his crown and royalty and contrary to the law of the land in many points caused it to be repealed'.¹¹⁷ In other words, a fundamental law, if it existed, might work both ways; the prerogative was no doubt as much part of the *lex terrae* as, say, exemption from arbitrary arrest. The commons in their petition, which we have already quoted, had suggested that certain things ought to be punishable as contrary to the law of the land, whether forbidden by statute or not, and this same principle was applied in a contrary sense by the king's great officers, the judges when they 'made their protestation'.¹¹⁸

Practice had, as so often before in England, outstripped theory, and an acute crisis had brought men to see that they were bound by two theories which might, and in this case had, come into collision. On the one hand was the permanent law of the land, consisting of various parts, produced and sanctioned in various ways and securing various privileges to various classes, but still capable of being conceived as an imperative whole. On the other hand was the royal authority undefined, except perhaps as consisting of all that had not definitely been taken away from it, and unlimited except by the *lex terrae* and the obligation imposed by the religious sanction of coronation and by the coronation oath to guard and observe the *lex terrae*.¹¹⁹ Who, then, is the judge of what is contrary or conformable to the *lex terrae*? The constitutional experience of six centuries has not

¹¹⁵ *Angl. Sacr.* i. 26-7.

¹¹⁷ *Ibid.* pp. 139-40, no. 27.

¹¹⁶ *Rot. Parl.* ii. 139, no. 23.

¹¹⁸ *Ibid.* p. 126.

¹¹⁹ Stratford could talk of 'iustitia . . . quae regibus dat regnare' (Hemingburgh, ii. 375), but I do not think that the conception of natural law was of much practical importance in medieval English politics.

produced a wholly satisfactory answer to that question, but it is important to note that the constitutional experience of less than two had sufficed to raise it in an acute form.

We may turn now to another aspect of the constitutional struggle, the attempt, namely, to deprive the king of the complete control of his ministers and to turn their responsibility, in some degree at least, to the parliament. It has been pointed out that the phrase ministerial responsibility is currently used to mean two quite separate things, the responsibility of ministers for the acts of the king, on the one hand, and their responsibility for their own acts either to the king or to parliament on the other.¹²⁰ These, of course, though different, are not unrelated, and both aspects of the matter were developed in the crisis of 1340-1, while the second occupies an extremely important place in it. There are two sides to the matter. On the one hand, there is the practical question of the way the king's government is administered, and I refer here particularly to local administration, having in view the sheriff and that group of officers and institutions throughout which his earlier plenary powers had been distributed. It has been well remarked that the Plantagenets from Edward I onward had the merit of perceiving that their interests and those of the community of the governed were identical and that the sheriff was the common enemy of both.¹²¹ Some perception of this sort would account for the king's action in November—December 1340. Unfortunately the remedy was almost as bad as the disease. The measure raised constitutional questions of a very serious character. The king made his position quite clear from the beginning. The great officers of state are appointed and removable by him and by him alone. He says of the officers dismissed in 1340, 'a suis fecimus officiis prout nobis licuit amovere'; and, lest this should seem the exaggeration of anger—it is quoted from the *libellus famosus*—we may note that in answer to a petition of the commons in 1343 Edward replied, 'The king can make such persons as he pleases ministers, as he and his ancestors have done in times past, and he may charge his treasurer and chancellor with such duties as seem good to him and his council'.¹²² The king's chief minister is the chancellor, to whom he has committed the administration of the whole state and the final conduct of affairs; on his discretion and that of the other officials whom the king appoints to be of his council hangs the whole disposition of the kingdom.¹²³ The inferences which the king is made to draw from these principles, as that a minister who advises war is responsible for finding the resources to carry

¹²⁰ Dicey, *Law of the Constitution*, 7th ed., p. 321.

¹²¹ Riess, *Wahlrecht*, pp. 3-6.

¹²² *Angl. Sacr.* i. 25; *Rot. Parl.* ii. 140, no. 32.

¹²³ *Angl. Sacr.* l. c.

it on, we may dismiss as born of the heat of controversy, although it was a view that had its supporters.¹²⁴ The general principle here laid down, that ministers are appointed by the king and are responsible to him, and by implication, for him, is subject to one limitation. The king admits—indirectly, it is true, but it is none the less an admission—that he is in some sort bound to act by the advice of his council. He sets out in the *libellus famosus* that after repeated messages and letters sent without result to the archbishop and his other councillors who followed him, he took the advice of his friends who had been abroad with him, who suggested in substance that it was no time for constitutional formalities.¹²⁵ Now the king here has the appearance of excusing himself for an irregularity which was justified by the urgency of the situation and the inefficiency of his official councillors. There is more than at once meets the eye here, because we know from other quarters that the king had an official council and a great seal in Flanders as well as in England; ¹²⁶ and Stratford's sneer in his reply to the king, 'that those with whom he had taken counsel should proceed to find and punish the responsible person',¹²⁷ indicates that the king had made the mistake of going outside the official circle.

The view that the king should govern by the advice and with the co-operation of the magnates, i. e. an official council drawn from the ruling class and not arbitrarily recruited by the king himself, was probably the most characteristic 'plank' in the Lancastrian platform. It can be traced back to the 'paper constitution' of 1244, and even then it would seem to have had a history in the desire of the great feudatories to be associated in the government of the kingdom and their suspicion and dislike of the *novi homines* with whom the king surrounded himself as early as the time of Henry I. This theory is developed at length in the very able state paper addressed by Stratford to the king on 1 January 1341.¹²⁸ 'The most sovereign thing', he writes, 'that holdeth kings and princes in due and fitting estate is good and wise counsel, but now', he proceeds, 'you are advised by people who are not as wise as they need be, and by others who desire their own profit rather than your honour and the welfare of the land, and you begin to follow unlawful and dangerous courses. Therefore take as counsellors the great and wise of the land as is customary, for without them you cannot govern well at home

¹²⁴ *Angl. Sacr.*; cf. Knighton, ii. 19: the king made the truce of 1341 because 'non esset ei ministratum de pecunia de communibus regni Angliae illi hactenus concessa pro defectu ministrorum suorum'. Compare the document printed in Baldwin, *The King's Council*, pp. 351-2; cf. *ibid.* p. 99.

¹²⁵ *Angl. Sacr.* i. 23.

¹²⁶ *Rot. Parl.* ii. 121 b, no. 28; *Foedera*, II. ii. 1141; cf. Baldwin, pp. 396-7.

¹²⁷ *Angl. Sacr.* i. 30.

¹²⁸ Avesbury, pp. 324 ff.; Hemingburgh, ii. 363 ff.; *Foedera*, II. ii. 1143.

or succeed abroad.¹²⁹ If a council so constituted is to assume any responsibility, the king must stick to the policy which he and they have agreed upon; Stratford brings this out in his reply to the *libellus famosus*, where he is defending himself against the charge of having failed to furnish supplies. Arrangements were made by the council in the summer of 1340, based on contracts with certain merchants, which seemed to the council satisfactory. The contracts were violated and the money never came to their hands; he therefore disclaimed responsibility: let them answer who broke the agreements and spent the money badly.¹³⁰ He appears to admit, on the other hand, that where the king and his ministers are acting together, the ministers should assume responsibility. In answering the charge of having attacked the king and his government, he distinguishes: he never attacked the king, but he has remarked certain administrative evils, things done 'by the king's ministers without his knowledge', and these he has censured, not maliciously, 'but that remedy might be provided'.¹³¹

With regard to the responsibility of ministers for their conduct of affairs, Stratford's position seems to be that they are answerable to the council. He seems to understand this word in its largest sense, defining it as 'great men, prelates and peers',¹³² and it may be doubted whether he would distinguish very sharply between this and parliament. The council, he writes, should inquire into the whole question of the collection and expenditure of supplies and punish such as are found guilty according to law. In respect to his own conduct, the archbishop undertakes in all things to stand by the judgement of his peers (i. e. the council in the larger sense of the word) saving his order and estate, for 'si gentz serront punis saunz respounse tout serra un judgement des bones et malveis'.¹³³ This would seem to be a square statement of the traditional Lancastrian principle that had already expressed itself in the great attempts to set up oligarchy in England in 1258 and 1311. The king should govern through the council; if he does not, he must take the consequences alone. The council should consist of the magnates, it should maintain solidarity, and to it ministers should be responsible. To apply this strictly would be, of course, to bring in oligarchy in an administrative way. But two insurmountable obstacles stood in the way. The king could dispose of the great seal and no effective grant of supplies could be obtained without the co-operation of the commons. It was not until the reign of Richard II that the opposition attempted to cope with

¹²⁹ Cf. Murimuth's judgement on the change of ministry in December 1340: 'et [rex] consilio iuvenum utebatur, spreto consilio seniorum' (p. 118).

¹³⁰ *Angl. Sacr.* i. 30.

¹³¹ *Ibid.*

¹³² Avesbury, p. 325; cf. Baldwin, pp. 101-2.

¹³³ Avesbury, pp. 326, 327.

the first difficulty.¹³⁴ They tried now to meet the second by an alliance with the commons on the basis of extending the responsibility of ministers not to the council alone, even in its largest sense, but to the whole parliament, and of securing this by the appointment of officers in parliament and subject to its approval by requiring an oath of them. Further, the special claim of the commons in matters of finance was to be recognized by granting the audit of accounts. This comes out clearly enough in the content of the petitions in the Easter parliament of 1341 and the statute framed upon them.

These appear to be the conflicting views of what constitutional theory had been and was ; it remains to show what the opposition thought it should be. As has already been indicated, a coalition seems to have been formed in the second week of the parliament for the purpose of weakening the prerogative in the interest of the peers and officials. An examination of their negotiations on this question of ministerial responsibility is very instructive. The question was first raised in connexion with the privilege of peerage. The magnates asked that the privilege should be extended to cover all official or ministerial acts, petitioning that 'peers of the land, officers, and others should not be held to answer for trespasses charged to them by the king except in parliament'. The king was advised that this was inconvenient and against his estate, and the matter was referred to a committee of twelve, consisting of four bishops, four earls, and four lords.¹³⁵ The committee reported favourably: 'peers who had held offices such as that of chancellor and treasurer should only be judged by other peers except that sheriffs and those who had money to account for should answer in the accustomed place', namely, at the exchequer.¹³⁶

The prelates and magnates then joined in a petition that all royal officers and justices should, on taking office, swear to maintain and guard the laws of the land, the points of the Great Charter, and the others 'made by the assent of the peers of the land'. Further, they asked that any one procuring or advising anything to be done to the contrary might be accused in parliament before the peers and awarded such judgement as they might agree upon.¹³⁷ This was to be retroactive and permanent, and, of course, implies the principle of direct ministerial responsibility to parliament. Then the magnates and commons united to petition for an audit of all accounts whether foreign or domestic.¹³⁸ The

¹³⁴ Cf. Ramsay, *op. cit.* ii. 240.

¹³⁵ *Rot. Parl.* ii. 127, no. 7 ; p. 129, no. 17. Mr. Vernon Harcourt asserts against Mr. Pike that, in spite of the proposal to include 'sages of the law', this was not done: *His Grace the Steward*, p. 342. The second committee did, as we have seen, contain persons learned in the law, who afterwards protested against the statute.

¹³⁶ *Rot. Parl.* ii. 127, no. 7.

¹³⁷ *Ibid.* p. 128, nos. 10-11.

¹³⁸ *Ibid.* no. 12.

commons appear to have wished also to secure some control over ordinary administration, for they petition separately against 'general eyres commissioned without the assent of parliament which have inquired into the acts of the great officers, peers of the land', and have occasioned certain administrative abuses through the sheriffs. If the king feels himself aggrieved by his ministers, they add, he should issue lawful commissions with the assent of parliament.¹³⁹ The magnates and commons also requested that 'because many evils have arisen from bad councillors and ministers', it should be a law that the king should appoint his officers in parliament and that they should take an oath there before the peers to keep the law.¹⁴⁰ Since the magnates and prelates had already asked for this, the petition may be regarded as having the force of an expressed desire of the whole parliament, in so far as the parliament at that time could be conceived of as a whole.

The king's answers indicate an attempt to divide and rule, and to grant, when he had to grant anything, to the council rather than to the parliament. He began by presenting the clergy with a dilemma. He remarks that the great seal is a sufficient guarantee for the observance of the Great Charter without an oath, and that 'the prelates who ought not themselves to take an oath without great and just cause should not wish that people be charged with new oaths', particularly as there is already too much perjury in the kingdom.¹⁴¹ This somewhat cynical appeal to professional interests, if it was intended to detach the prelates from the lay lords, failed, and a day or two later the king gave a reply to the combined petition for the oath and ministerial responsibility. This answer in substance avoids the general constitutional principle which the petitioners had raised, and establishes the rule of law for the king's ministers. Any one who in future shall do anything against the Great Charter or the law 'shall answer in parliament or elsewhere, where he ought to answer at the common law'. And this is to apply to things done at the king's command as well as of his own authority.¹⁴² To the commons, however, the king grants the oath as it was asked for; possibly his calculation was that if the clergy could be frightened from taking it, it would amount to very little. He granted them further the audit of accounts on condition that the treasurer and chief baron were among the auditors. With regard to the inquiry into the conduct of officers, the king undertakes that it shall be carried on by the council afforded 'by

¹³⁹ *Ibid.* p. 128, no. 14.

¹⁴¹ *Ibid.* p. 130, no. 28. Stratford had forbidden people being put on oath in Lent. Cf. *Foedera*, II. ii. 1151-2.

¹⁴² *Rot. Parl.* ii. 130, no. 37.

¹⁴⁰ *Ibid.* no. 15.

certain persons of the commons'. Finally, he agrees under reserve to the appointment and trial of ministers in parliament. The words here are important :

If any great officer of the king, named in the petition, should be deprived of his office by death or any other punishment, the king will take the advice of the lords who may happen to be near him along with the good council which he will have about him, and will put another suitable person in the office, and he is to be sworn, according to the petition in the next parliament, and at every parliament their offices are to be taken into the king's hand and they are to answer to all those who shall wish to make complaint against them. And if a complaint of misprision be made against a minister, and he be convicted of it in parliament, he is to be deprived of office and punished by judgement of the peers and another suitable person put in.¹⁴³

This was a considerable concession, although it was not all that had been asked for.

The statute framed on this answer was, as we have seen, protested against by the chancellor, the treasurer, and certain justices. This protest was no doubt directed against the unwarrantable extension of the privilege of peerage which the statute contained, and no doubt the protestants were right.¹⁴⁴ The statute itself contained some slight variations on the original demands.¹⁴⁵ All the barons of the exchequer were included, and all the judges, as well those of both benches as those assigned, and the council appointed for the duke of Cornwall,¹⁴⁶ but all the justices and the barons of the exchequer are exempted from the annual resumption of office although they are required to answer all complaints. The right of impeachment seems to be explicitly granted except that no corporate accusation is contemplated. Those who infringe any point of the Great Charter or other statute, or the laws of the land, whether they be royal officers or not, shall answer in parliament, and the plea that they have acted by the king's command or commission is not to avail them.¹⁴⁷ Parliament may therefore practically create new offences, by punishing official conduct which it determines to be contrary to the law and custom of the kingdom, that is, to the constitution. The principle of the responsibility of ministers to parliament could scarcely be more fully conceded. Even after the repeal of the statute, things were not quite where they had been before, because an important precedent had been registered. The commons had found themselves unable to act either cor

¹⁴³ *Rot. Parl.* ii. 130-1, nos. 37-41.

¹⁴⁴ *Ibid.* p. 131, no. 42.

¹⁴⁵ *Ibid.* p. 132, nos. 52, 53.

¹⁴⁶ He was keeper during the king's absence and a special council had been appointed for him: *Foedera*, II. ii. 1125.

¹⁴⁷ *Rot. Parl.* ii. 132, no. 52.

porately or independently; they had therefore only secured what they might and should have demanded as a right, as a matter of special privilege, and in association with other privileges indefensible on any ground except that of class interest. The *privilegium fori* and the privilege of peerage as demanded by the lords spiritual and lay at this time were incompatible with any sound administrative system. On the other hand, it was but common justice that those who contributed for any given national purpose should ask that faith should be kept; and a responsible administration—not necessarily responsible to parliament—is an elementary necessity of good government.

We may now consider what position the constitutional theory of the time would attribute to the parliament as a whole. It may be argued, of course, that except for purposes of supply no one thought of parliament as a whole, and some of the details we have been examining would help to support that argument. Its predominance in matters of supply was admitted. There is also some evidence that the commons were coming to be associated with the magnates as guardians of the principle that the king should be under the law. From the point of view of the administration parliament was a body, or rather a collection of people, well fitted to assume responsibility and furnish moral support. Stratford in his defence availed himself liberally of this theory of parliamentary responsibility. The French crown, he says, was only claimed after a discussion in the parliament at Northampton,¹⁴⁸ and the continuance of the war and the alliance with the German princes followed on the discussion of the matter by parliament and its consent.¹⁴⁹ To the charge of having encouraged the king in making extravagant gifts, Stratford replied that he recalled no excessive gifts except those made to certain earls ‘per vos nuper creatis denuo ex consensu parliamenti’.¹⁵⁰ The official records bear out Stratford’s contentions in most points. In the archbishop’s summons to the Lenten parliament of 1340 he is asked not to wonder at the king’s change of style; it was done for many reasons which would be explained to the prelates, magnates, and commons in parliament;¹⁵¹ not to parliament, it should be remarked, but to certain groups of persons *in* parliament. Again, the king announced that he was going abroad with the advice and consent of the prelates, magnates, and community of the kingdom,¹⁵² and in 1341 it was roundly stated that the war was ‘accorded and assented by the prelates, earls, barons, and community of the land in full parliament’.¹⁵³ With regard to the

¹⁴⁸ ‘Quaestio . . . in parlamento . . . tractata et discussa’: *Angl. Sacr.* i. 29.

¹⁴⁹ *Ibid.* p. 30.

¹⁵¹ *Foedera*, II. ii. 1115.

¹⁵⁰ *Ibid.* p. 35.

¹⁵² *Ibid.* p. 1125.

¹⁵³ *Rot. Parl.* ii. 126-7, no. 5.

matter of the grants, the place of parliament is not so clear. In 1340 the king's brother-in-law, the margrave of Juliers, was created earl of Cambridge with a pension at the exchequer,¹⁵⁴ and this was afterwards confirmed by the magnates in what would appear to be a council minute.¹⁵⁵ On the other hand, an old councillor of the king's was pensioned 'per ipsum regem et concilium in parlamento'.¹⁵⁶

One final point may be considered. Such a meeting, such a colloquy or debate as parliament was, carried on by estates and representatives, offered a quite exceptional opportunity for influencing public opinion.¹⁵⁷ The enormous importance attached to that ultimate political force is one of the most striking facts that emerges from the whole period of controversy and crisis. In the *libellus famosus* the king accuses Stratford of deliberately influencing public opinion to bring him and his government into discredit. He asserts that although he has always hated the abuse of power and wished to govern his subjects so that all should enjoy peace the archbishop injures his good name (*innocentia*) and the faithfulness and diligence of his ministers by publicly preaching and writing open letters to the effect that nowadays people are unjustly oppressed by the royal power.¹⁵⁸ This anxious preoccupation with public opinion is reflected throughout the whole controversy. With the meeting of parliament, as has been pointed out, the scene changes, but the appeal, at least so far as it was made by the archbishop, does not alter substantially. The scene of melodrama at Westminster, already described, is evidence of this. Then it appears that the county members were anxious to get copies of the unlucky statutes to carry back with them, and they stipulated that these should be furnished gratuitously.¹⁵⁹ Finally, the importance attributed by the chroniclers to the whole episode indicates the extent to which the country at large was interested in, and, we may add, informed about it.

If we may speak of the English constitution as existing in the fourteenth century, it would be true to say that this controversy called its whole character into question. But it appears that precisely the most instructive lesson to be learnt from our study is that this judgement would be premature. The struggle must be considered in the light of fourteenth-century conditions, when, if the English constitution existed at all, it was *im Werden*. If we applaud the tax-payer for trying to save his pocket, and the peer and the prelate their privilege, we must in common

¹⁵⁴ *Foedera*, II. ii. 1124.

¹⁵⁵ *Rot. Parl.* II. 114, no. 35.

¹⁵⁶ *Foedera*, II. ii. 1123.

¹⁵⁷ On this see the interesting suggestions made by Dr. Riess, *ubi supra*.

¹⁵⁸ *Angl. Sacr.* I. 23-7.

¹⁵⁹ *Rot. Parl.* II. 133, no. 61.

justice equally applaud the king for trying to save his prerogative. No doubt the structure of constitutional government was in its main lines very nearly complete, but it is scarcely rash to say, in view of the welter of divergent and selfish interests we have been studying, that its real functions were not yet suspected. It may indeed be said that Edward III did not break the constitution, because there was no constitution to be broken, only precedents pointing in different directions.¹⁶⁰

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¹⁶⁰ I have adopted this phrase from Mr. Gooch's acute criticism of Hallam, in *History and Historians in the Nineteenth Century*, p. 293.

The Forgeries of Guillaume Benoit

THE marriage of Humphrey, duke of Gloucester, to Jacqueline of Bavaria cannot be regarded otherwise than as a grave political blunder, since its consequences were sufficiently serious at least to give colour to the assertion that it went far towards ruining the English cause in France. Indeed, Gloucester's criminal imprudence in jeopardizing the whole policy of the English alliance with Burgundy cannot be lightly excused, even though it be admitted that the vital importance of that alliance may not have been so clear at the time of the invasion of Hainault as it became later when the English position was growing weaker. It cannot be excused, and it is considerably aggravated by the assertion generally advanced that in this matter Gloucester was acting entirely on his own initiative, or perhaps on Jacqueline's, in direct opposition to the wishes of his brother, the duke of Bedford. The difficulty of convicting him on this score lies in the fact that Bedford's wishes are wrapt in some obscurity. It has even been suggested that the regent was not as whole-heartedly devoted to the policy initiated by the Treaty of Troyes as he appeared; that, in fact, he was secretly in favour of his brother's enterprise in Hainault; and this theory is not wholly unsupported by evidence, of a kind.

Of such evidence the most complete is that contained in certain documents in the Archives du Nord, which have been published and discussed at length by Alexandre Desplanque.¹ These documents give the relation of a conspiracy in which both Bedford and Gloucester were implicated, a conspiracy which had for its aim the ruin and murder of Philip of Burgundy. Are they to be believed? We find the regent of France not only in sympathy with the invasion of Hainault, but contemplating the final rupture of the alliance with Burgundy by an act of treachery as black as that which had given it birth.² The direct proofs are, however, confessedly forged, and the evidence contained in the two depositions of the forger³—one Guillaume Benoit, a servant of the earl of Suffolk—is neither conclusive nor altogether trustworthy. Nevertheless, despite these drawbacks, Desplanque, the first

¹ Desplanque, *Projet de l'Assassinat de Philippe le Bon par les Anglais* (publication of the Académie de Bruxelles, vol. xxxiii, 1867).

² *Ibid.* Pièces Justificatives, pp. 57-77.

³ *Ibid.* VI and VII, pp. 64-9.

editor of the papers, is not alone in assuming that there is some truth in them. He asserts, on the strength of Benoit's final deposition, that if Bedford and Gloucester did not actually write the letters attributed to them, they were capable of having done so;⁴ and the possible existence of a plot has been very generally accepted by French historians writing of this period, though they confess it unproven.⁵ On this side of the Channel the matter is usually passed over in silence, or decried as a slander, at least as far as concerns the duke of Bedford.⁶ No doubt such a high estimate of the regent's character is fully justified, but the documents are there, and the possibilities which they suggest merit investigation.

The plot, as disclosed by Benoit, is part and parcel of the enterprise in Hainault. It was conceived by Gloucester, to assure the success of that enterprise by disposing of the duke of Burgundy's opposition, the danger of which he recognized, for he could not but know that Countess Jacqueline's proceedings were looked upon with a jealous eye by the head of the House of Burgundy. Duchess of Holland and countess of Hainault in her own right, she was also the niece of John the Fearless, and it was only natural that he should endeavour to join the inheritance thus brought within reach to the other possessions of his house. To this end he had married her to his nephew and her cousin, John, duke of Brabant, a sickly youth, two years her junior, hoping no doubt that it would prove a childless union, and that the lands of both niece and nephew would eventually revert to himself or his heirs. When, therefore, Jacqueline finally set the seal upon her quarrels with Brabant by declaring her marriage with him void and by marrying the duke of Gloucester,⁷ Philip of Burgundy, who had inherited his father's ambitions, must have experienced considerable annoyance. Such annoyance was, however, kept in check until the autumn of 1424, when Gloucester landed with an armed force at Calais,⁸ openly avowing his intention of asserting his wife's rights in the county of Hainault.

Consequent upon the uncertainty caused by the countess's matrimonial arrangements, a desultory civil war had been in progress for more than a year throughout her inheritance, between

⁴ *Ibid.* p. 56.

⁵ Dufresne de Beaucourt, *Histoire de Charles VII*, ii. 658 note, and pp. 364-5; Cosneau, *Le Connétable de Richemont*, p. 501, note, and pp. 86-7. M. Petit-Dutaillis (in Lavisse's *Histoire de France*, iv. ii. 32) has little faith in the evidence of the plot.

⁶ *Dictionary of National Biography*, under Humphrey, duke of Gloucester.

⁷ The news of the marriage was announced in Holland on 25 October 1422: *Particularités curieuses sur Jacqueline de Bavière* (publication of the Société des Bibliophiles de Mons, vii. 58, 1838).

⁸ 16 October, 1424: J. Stevenson, *Letters illustrative of the Wars of the English in France* (Rolls Series), ii. ii. 397.

the adherents of Brabant on the one hand, and herself and Gloucester on the other.⁹ Two attempts to bring about an agreement between the opposing parties had already been made, by the duchess of Bedford and Burgundy, one at Amiens, in February 1424, and a second in the following June, at Paris.¹⁰ Both proved fruitless, however, and, indeed, no satisfactory decision could well be arrived at until the conclusion of the case concerning the annulment of Jacqueline's marriage with Brabant, which was now in progress in the papal courts in consequence of a petition lodged with Martin V by Gloucester to confirm the anti-pope's sentence on the strength of which he had married.¹¹ Meanwhile, the threatened invasion of Hainault, while the case still remained undecided, rendered the situation acute and increased enormously the difficulty of diplomatic settlement.

The duke of Bedford was in Paris when he heard of the step which his brother had taken. On 20 October,¹² four days after Gloucester's arrival at Calais, the duke of Burgundy also entered the capital, and he and the regent assembled their councils with the object of seeing what could be done. A form of agreement was drawn up and sent to Brabant and Gloucester. Brabant immediately expressed his readiness to abide by the decision of the councils, but Gloucester and Jacqueline refused to accept the treaty and threatened to proceed on their campaign at once.¹³ At the same time Bedford sent a message to his brother urging him by the strength of his fraternal regard to come to Amiens or elsewhere,¹⁴ presumably for the purpose of a personal interview. Gloucester found himself unable to arrange anything until the rest of his forces had arrived from England, and when they had come he wrote to say that he would send his decision shortly.¹⁵ On the face of things, then, it would appear that the regent was making every effort to prevent war in Hainault and to maintain friendly relations with Burgundy. In Paris the councils sat continually, and, in spite of Philip's freely expressed displeasure at Gloucester's behaviour, he and Bedford continued to appear on the best of terms.¹⁶ It is at this very moment, however, that the regent is said to have been countenancing a plot for Philip's murder, originated by his brother and other of the English nobles.

As we have said, the existence of the plot is doubtful, and Bedford's complicity in it more doubtful still; but before

⁹ Wavrin, *Chroniques d'Angleterre*, ed. Hardy, iii. 83.

¹⁰ Cosneau, *Le Connétable de Richemont*, p. 77.

¹¹ Dufresne de Beaucourt, *Histoire de Charles VII*, ii. 363. ¹² *Ibid.* p. 364.

¹³ Wavrin, iii. 128; Le Fèvre de Saint-Remy, *Chronique*, ed. by F. Morand for the Société de l'Histoire de France, ii. 89.

¹⁴ Stevenson, *Letters*, II. ii. 398.

¹⁵ *Ibid.* p. 399.

¹⁶ Wavrin, iii. 129.

examining the charge brought against the regent, it may be well to inquire whether he had anything to gain by such an enterprise. The political importance of Philip of Burgundy's support must have been daily impressed upon Bedford when they were together in Paris. Burgundy's popularity with the citizens was obvious, and it was clear that they only tolerated the English for his sake. He had, by his very arrival, succeeded in putting an end to sedition which the regent had been unable to appease.¹⁷ No doubt Bedford realized to the full the necessity of conciliating Philip, but, apart from the Hainault affair, there was, at this moment, some reason for distrusting his ally's intentions. It was known that when Philip left Paris he would attend a conference at Mâcon under the auspices of Amédée VIII of Savoy, who had for more than a year been working for a reconciliation between Burgundy and the Dauphin. There, ambassadors from the Dauphin and from John VI of Brittany would treat with him concerning peace. For John VI, together with his brother Arthur, comte de Richemont, had actually in October had a personal interview with Charles at Angers,¹⁸ and seemed to be on the point of breaking with the English. Richemont, indeed, had been offered the sword of constable of France, which he only awaited Burgundy's consent to accept. Another thing which seemed to menace English interests was Duke Philip's impending marriage with Bonne of Artois, the widow of his uncle Philip, count of Nevers, who had been killed at Agincourt. Her brother, the count of Eu, was still a prisoner in England, so her sympathies were wholly French and might conceivably affect her husband's opinions. Bedford could not but look with suspicion on these signs of a growing understanding between Burgundy and the Dauphin, and he could not be blind to the possibility of a rupture with Philip which no effort on his part could avert. Ordinary prudence bade him consider what his position would be in the event of Burgundy's desertion, and it is even possible that this consideration led him to the contemplation of a counter policy wherewith he could forestall such a desertion.

Now Guillaume Benoit would have us believe that Gloucester and his supporters were urging upon the regent just such a counter policy in the establishment of the duke's claims in Holland and Hainault. Certainly the scheme was not without advantages, and, given the certainty of Philip's defection, would have been worthy of consideration. Jacqueline's possessions in the hands of the English would in a great measure cancel the danger from a hostile Flanders, and would render the general position in northern France stronger and more independent. And, undoubtedly,

¹⁷ Petit-Dutaillis, in Lavisse's *Histoire de France*, iv. ii. 41.

¹⁸ Cosneau, *Le Connétable de Richemont*, p. 84.

Philip's death at this particular juncture would not only have made the success of the enterprise more secure, but would have increased its usefulness, since the duke had no male heir, and the unity of his possessions must have been somewhat impaired by partition among his sisters.¹⁹ It is not, therefore, impossible that the idea of Philip's removal occurred to Gloucester and his adherents, since they, at any rate, attached great importance to the acquisition of Jacqueline's inheritance.

In so far as this, then, Benoit's story rests on a foundation of probability. His declaration of the regent's complicity, however, is less well founded, for it assumes a secret sympathy with Gloucester's aims in Hainault, which, to say the least of it, is problematic, though in face of the reasons for doubting Burgundy's good faith given above, it is conceivable. The only proof of such sympathy, independent of Benoit, is contained in a letter from Bedford to the pope, undated, but belonging to the period when the case for Jacqueline's divorce was in progress. In this letter Bedford urges a speedy decision in his brother's favour, pointing out the evils likely to be caused by delay, and expressing his own feelings in the matter thus: 'Ambigi siquidem non oportet quod affectio acceleratae iustitiae in hac parte nulla arte a meis poterit divelli visceribus, quae tam propinque tangit praecordia praeearissimi mei fratris.'²⁰ These words certainly suggest that the regent was anxious that his brother should have papal sanction to claim Jacqueline's estates, but at the same time we cannot accept the letter as proof that Bedford approved of the invasion of Hainault until we know whether it was written before or after that event.²¹ It is, indeed, reasonable to suppose that, were Bedford in sympathy with his brother, he would have preferred him to postpone that attempt until the pope's decision had given him the right to assert his claims. Since this letter, then, is the only independent ground for doubting the genuineness of the regent's official attitude, we must judge Benoit's statements on their own merits, seeing if they are in any sort justified or confirmed by comparison with facts which we learn from other sources.

When Gloucester's refusal to accept the treaty of agreement was made known in Paris, the duke of Burgundy frankly announced his intention of aiding Brabant,²² but even this

¹⁹ Burgundy itself was the share of his eldest sister, Margaret, wife of Arthur of Brittany, while Artois would have fallen to the duchess of Bedford. See their marriage contracts printed by Plancher, *Histoire de Bourgogne*, vol. iii, Preuves, nos. cccxi and cccxiii.

²⁰ Stevenson, *Letters*, II. ii. 389.

²¹ I incline to think before, probably about the date of the first conference on the affairs of Hainault in February and March 1424.

²² Le Fèvre de Saint-Remy, *Chronique*, ii

occasioned no perceptible breach between him and the regent. They continued to exchange visits and entertain each other with jousts and feasting.²³ The earls of Suffolk and Salisbury were with Bedford in Paris, and, nearly three years later, Guillaume Benoit, Suffolk's servant, deposed before Burgundy's council at Lille that at the time of these jousts, notably those given in the Hôtel d'Artois in honour of the marriage between Jean de la Tremoille and Jacqueline d'Amboise, his master had frequent interviews with 'Gloucester's people'.²⁴ To account for these interviews apparently Benoit afterwards forged the documents which give the details of the plot against Burgundy. He confessed to the forgery in another deposition taken a few days before that mentioned above.²⁵ The forged papers were a letter from Gloucester to Suffolk and a memoir for his further instruction as to what he must tell the duke of Bedford.²⁶ In the letter Gloucester urges the earl to warn the regent of Burgundy's intended disloyalty, and assures him that he need not fear Bedford's displeasure as he is really on their side. He adds that if a decision cannot be arrived at, concerning the proposal contained in the memoir, Suffolk is to be sent with the other ambassadors coming from Paris so that he may receive further instructions from Gloucester. The memoir begins by enumerating the reasons for doubting Burgundy's good faith, namely, the impending conference at Mâcon, Philip's marriage, &c. It credits Arthur of Brittany with the chief hand in all these matters, and Burgundy with the determination to make war on the English, though he may still feign to be on their side; whence the proposal that the duke and his chief councillors shall be seized in Paris and carried prisoners to England. Gloucester expresses himself ready to come to Paris with his army and help in carrying out this design, and, indeed, promises to come secretly and see the business through if his brother does not wish or does not dare to do it himself.

These letters were supposed to arrive in Paris early in November, having been written about the feast of All Saints.²⁷ Benoit did not take upon him to forge the regent's answer directly, but he relates its substance in another memoir,²⁸ which purports to contain the further developments of the conspiracy. This memoir was prepared for the eye of Arthur of Brittany, with whom Benoit hoped to find the best market for his wares. In it he says that Bedford told Suffolk that Gloucester's plan was unsafe, as Paris would rise in arms. It would be better to arrange jousts and kill Burgundy by accident. As a pretext for the

²³ Wavrin, iii. 130, 131.

²⁴ Desplanque, *Projet de l'Assassinat*, Pièce Justificative VII. 70.

²⁵ *Ibid.* VI. 64.

²⁶ *Ibid.* I and II. 57-9.

²⁷ *Ibid.* I. 57.

²⁸ *Ibid.* III. 60.

jousts, Lord Scales shall be sent for to be married. Suffolk shall, as desired, accompany the other ambassadors about to be sent to Gloucester, the pretext for his inclusion being the influence he has with Duke Humphrey. Accordingly on Sunday, 12 November, Suffolk set forth on this embassy,²⁹ its ostensible purpose being settlement of the quarrel with Brabant. In his second deposition Benoit affirms that the earl had with him on this occasion a private instruction in English on a little roll signed 'Johan', but he does not then claim any knowledge of its contents.³⁰

If Benoit lied he lied cleverly and with due regard for actual facts, even turning them to his own uses. We know that Suffolk set out from Paris with Ralf Boteler, the abbot of Fécamp, and Giles Clamecy, on or about 12 November. On the following Tuesday he met with an accident in a certain village near Amiens, a beam falling on his head as he lay in bed. These facts we learn from a correspondent of the bishop of Winchester's writing from Gloucester's camp.³¹ Benoit's account agrees substantially. He mentions Breteuil as the scene of the accident, and adds that Suffolk had to return to Paris in a litter.³² Moreover, he uses the incident to explain his knowledge concerning Suffolk's private instruction. He says that he asked the earl what had become of it, and Suffolk replied that, unless it had been burnt by Garter King at Arms when he was taken ill, it was in his private coffer, and he bade Guillaume look there to see.³³

Besides this astute employment of real events in the manufacture of his romances, it is undeniable that Benoit showed considerable penetration in his invention, if invention it was, of Bedford's reply to his brother's proposal. Had that proposal ever been made I do not doubt but that the regent would have answered it as Benoit said he did, for one of two reasons. Either he really intended to adopt the suggestion and amended it because he knew the danger of half measures, and recognized that, though Philip's death, by misadventure, might be profitable, his capture could only injure the English cause; or, he did not intend either to seize or murder the duke, but merely desired to satisfy Gloucester, whose headstrong temper he knew, and prevent him from fulfilling his threat of carrying out his own designs. If Benoit were speaking the truth, then, Bedford's real intentions remain as doubtful as ever. One thing only is certain—the murder did not take place. Lord Scales was married, and there were jousts at the wedding,³⁴ but the duke of Burgundy met with no accident.

²⁹ Desplanque, *Projet de l'Assassinat*, Pièce Justificative III. 60.

³⁰ *Ibid.* VII. 70.

³¹ Stevenson, *Letters*, II. ii. 400.

³² Desplanque, Pièce Justificative III. 60.

³³ *Ibid.*

³⁴ *Journal d'un Bourgeois de Paris*, publ. by A. Tuetey for the Société de l'Histoire de Paris, p. 201.

Shortly afterwards he left Paris, having made at least one mortal enemy. His attentions to the beautiful countess of Salisbury had been so marked as to arouse the jealous fury of her husband,³⁵ who thereupon became, if he was not already, a firm adherent of the anti-Burgundian party. Benoit attributes Suffolk's hostility to Duke Philip to a similar cause, and in his second deposition gives an account of the earl's complaints to him on the subject when he lay sick in Paris.³⁶ Suffolk even accused the duke and duchess of Bedford of aiding Burgundy in this intrigue in order to attract him and keep him in Paris.³⁷

Philip, meanwhile, had celebrated his marriage with Bonne of Artois on 30 November,³⁸ and immediately afterwards had proceeded to Mâcon, where the conference with the Dauphin's ambassadors at last took place. In spite, however, of the many influences brought to bear on him, Burgundy was not yet prepared to accept Charles's protestations of innocence in the matter of Montereau, or definitely to espouse the French cause. Apart from his faith pledged to the English, their cause was still too flourishing to be abandoned for that of the 'king of Bourges', and he remained their ally, though he gave his consent to Richemont's acceptance of the sword of constable, and permitted a marriage to be arranged between his youngest sister Agnes and Charles of Bourbon, count of Clermont.³⁹ Thus, if the worst had not happened, it was still possible for those who were so minded to urge against Burgundy a too great friendliness towards England's enemies, and a lack of regard for the alliance which bound him. On the day, 5 December, which saw the close of the conference at Mâcon, Gloucester took his oath as count of Hainault, having been formally received by the assembly of estates sitting at Mons.⁴⁰ Hearing this, Philip hastened to fulfil his threat of aiding Brabant. He issued a proclamation to his nobles of Flanders and Artois bidding them raise troops, and charged Philip de S. Pol, Brabant's brother, with the conduct of the war.⁴¹

Now for Guillaume Benoit's sidelights on these events. He states that 'before Christmas' Gloucester sent privately to Suffolk and Salisbury asking their help, because he feared that Arthur of Brittany was about to invade Hainault on behalf of the Dauphin and the dukes of Burgundy, Brittany, and Savoy.

³⁵ Fenin, *Mémoires*, ed. Dupont, Société de l'Histoire de France, p. 225. The countess was probably Alice Chaucer, Salisbury's third wife.

³⁶ Desplanque, *Pièce Justificative* VII. 70. Suffolk, however, was not married at this time. It is possible that his complaints were also occasioned by the countess of Salisbury, whom he afterwards married.

³⁸ Dufresne de Beaucourt, *Histoire de Charles VII*, ii. 358.

⁴⁰ *Particularités curieuses sur Jacqueline de Bavière*, p. 78.

⁴¹ Kervyn de Lettenhove, *Histoire de Flandre*, iii. 111. The proclamation was dated 20 December.

³⁷ *Ibid.* p. 70.

³⁹ *Ibid.* ii. 360.

The earls had their men ready, but were warned not to go lest they should ruin all. Soon after—apparently after Burgundy's proclamation—Gloucester again sent, inveighing against Philip's treachery in sending help to Brabant. But still the earls were not allowed to go, and Benoit states that the regent instructed them to declare openly that they intended to make a pilgrimage to Jerusalem because of their annoyance at not being permitted to help Gloucester. This was to allay Burgundy's suspicions of himself, and to test the duke's good faith by rumours of difficulties among the English which might tempt him to abandon them.⁴² In making this assertion it would seem that Benoit was again only putting his own interpretation upon a rumour which had been current at the time, for his words are in some sort borne out by a sentence in that same letter of instruction written to England from Gloucester's camp, which has been referred to above, 'Hic nova non regnant alia praeterquam quod Comes Sarum plene vovit et proposuit versus Terram Sanctam peregrini proficisci'.⁴³ In the midst of these events, about a fortnight before Christmas, the regent left Paris and went to Rouen.⁴⁴ Thence, during the next eight weeks, ambassadors were several times sent into Hainault to Gloucester, 'for the appeasing of my lords the dukes of Gloucester and Brabant'.⁴⁵ They do not seem to have had any effect on Duke Humphrey's conduct. His reply to Burgundy's proclamation was a letter to the duke, in which he reproached him in no measured terms for his support of Brabant, even accusing him of a breach of the treaty of alliance with England.⁴⁶ His attitude is one of incredulous amazement at Philip's behaviour, and he does not scruple to make the surprising assertion that it was Brabant and not he who had refused to accept the terms of the treaty arranged by the councils in Paris. The surprise may have been genuine, but the letter was ill calculated to convince Philip of error, or induce him to withdraw his support of Brabant, and Gloucester's purpose in writing so intemperately is certainly obscure.

While Burgundy was deliberating over this letter in council and preparing his answer to it, the duke of Bedford was, according to Benoit, considering the advisability of allowing Salisbury and Suffolk to go to his brother's help.⁴⁷ He says that the two earls were sent for from Paris to assist at this consultation with 'Chaucier'⁴⁸ and others of the English council. It was decided,

⁴² Desplanque, *Pièce Justificative* III. 60-1.

⁴³ Stevenson, *Letters*, II. ii. 400.

⁴⁴ *Journal d'un Bourgeois de Paris*, p. 202.

⁴⁵ Stevenson, *Letters*, vol. i, Appendix to preface, no. v.

⁴⁶ Le Fèvre de Saint-Remy, *Chronique*, ii. 96; Wavrin, iii. 139-45.

⁴⁷ Desplanque, *Pièce Justificative* III. 61.

⁴⁸ Thomas Chaucer, Salisbury's father-in-law, was elected to the royal council on 25 January 1424: Nicolas, *Proceedings of the Privy Council*, iii. 155.

however, that no help should be sent to Gloucester, and Benoit gives as the reason for this decision that Burgundy had written to England saying that if the English did not disturb his territories he would not help Brabant.⁴⁹ But some members of the council at least were alive to the risks of Gloucester's enterprise. There is in existence the copy of a letter to King Henry's council, apparently written about this time, warning them of the dangers to which the duke was exposing the English position in France by his defiance of Burgundy, and urging them to exert themselves to restrain him.⁵⁰ This letter was probably written by the bishop of Winchester, who was to the end a staunch upholder of the Burgundian alliance. He had, moreover, no great opinion of his nephew Duke Humphrey's wisdom or ability, and his influence may well have caused the English councillors at Rouen to maintain an attitude hostile to the enterprise. Benoit represents the earls of Suffolk and Salisbury as sending their excuses to Gloucester, telling him that they were forbidden by Bedford and the council to bring help, and were ordered to serve in France. Suffolk is also credited with private letters encouraging the duke to proceed hardily, and saying that he will find means shortly to come on an embassy to tell him of all that was discussed and determined at the Rouen council.⁵¹

The situation is further complicated by Benoit's interpretation of an event which took place at this time and of the intrigues preceding it. This was the appointment of Louis de Luxembourg, bishop of Th rouenne, as chancellor of France, in the place of Jean le Clerc.⁵² The reason given by Benoit for Le Clerc's dismissal was that he was a Nivernais and too well disposed to Madame de Nevers, Burgundy's new wife. The regent preferred a chancellor without any foreign interests, and this was his real reason for the change, whatever he wrote to Burgundy.⁵³ Be this as it may, the step was probably taken to satisfy the anti-Burgundian party, which there seems little doubt existed. But we learn from Benoit's second deposition that the earl of Suffolk was by no means satisfied. The new chancellor had incurred his hostility, because of the part he had played in Burgundy's intrigue with the earl's mistress, and about Christmas-time in Paris Suffolk had sent Benoit to Le Clerc to warn him of the bishop's designs on the chancellorship.⁵⁴ Apparently, therefore, Suffolk's interest in the political situation was purely personal. He was moved by the desire of private vengeance, not by a disinterested belief in

⁴⁹ Desplanque, Pi ce Justificative III. 61.

⁵⁰ Stevenson, *Letters*, II. ii. 386.

⁵¹ Desplanque, Pi ce Justificative III. 61.

⁵² The bishop's installation took place at Rouen on 7 February 1425: *Journal d'un Bourgeois de Paris*, p. 210, n. 3, quoting Arch. Nat. XIa 8603, fo. 89^{ro}.

⁵³ Desplanque, Pi ce Justificative III. 61.

⁵⁴ *Ibid.* VII. 70-1.

an anti-Burgundian policy, and the incident seems to suggest that the plot against Burgundy, if it existed at all, was imagined by the reckless inconsequence of men such as Suffolk, while the regent merely pretended acceptance of the idea to prevent them from hindering his own designs by pursuance of their mad intention. Benoit, indeed, in his deposition, says that Suffolk complained, after the appointment of the new chancellor, that the regent was dissembling with all of them.⁵⁵ Very likely he was; he had excellent reasons for doing so.

By the end of March 1425 events had taken a new turn. After considering Gloucester's accusations for two months, the duke of Burgundy wrote an answer to his letter, in which he challenged him either to apologize fully for his injurious comments on his conduct or to meet him in single combat. He suggests the emperor as judge, or, if Gloucester prefers, the duke of Bedford, whom he calls his very dear and well-beloved brother, adding, 'car il est tel prince que je seay que, à vous et à moy et à tous aultres, il vouldroit être droicturier juge'.⁵⁶ Burgundy could hardly have expressed greater confidence in the regent, or given a stronger proof of belief in his loyalty. If Bedford had been dissembling with him all this while he had done so to some effect. Gloucester accepted the challenge and appointed St. George's Day next for the meeting, suggesting that the dispute between him and Brabant should be settled by the same combat.⁵⁷ This, however, Burgundy would not allow, saying that the settlement of that question must rest on the pope's decision.⁵⁸ With regard to Gloucester's acceptance of his challenge he was 'moult joelx' and immediately set about making elaborate preparations for the combat.⁵⁹ The duke of Gloucester does not seem to have been so eager. He returned to England early in April,⁶⁰ leaving Jacqueline behind at the instance of her mother, the dowager duchess of Holland. His ostensible object was to make ready for the combat, but once in England he remained there. Apparently the council reproved him openly for the invasion of Hainault and the quarrel with Burgundy, and he was told that the king would grant him neither men nor money.⁶¹ The bishop of Winchester was doubtless mainly responsible for this attitude, which was, indeed, fast becoming the only one tenable by men of prudence and foresight, since it was now clear that the duke could not possibly establish himself firmly in his wife's dominions unless he were given more men and money than the country could afford, and unless that

⁵⁵ Desplanque, *Pièce Justificative* VII. 71.

⁵⁶ Le Fèvre de Saint-Remy, *Chronique*, ii. 101.

⁵⁷ *Ibid.* pp. 103-5.

⁵⁸ Wavrin, iii, 162.

⁵⁹ Le Fèvre de Saint-Remy, ii. 106.

⁶⁰ He left Calais for London on 12 April according to letters received in Mons on the 18th: *Particularités curieuses sur Jacqueline de Bavière*, p. 112.

⁶¹ Wavrin, iii. 188-9.

country were prepared to face the consequences of an open breach with Burgundy. It would seem, however, that Gloucester's cause was far from unpopular in England, and it was not officially abandoned for some time to come.⁶²

But as a counter-policy to the Burgundian alliance, the enterprise had certainly failed, and must surely now have been abandoned even had it ever been entertained in responsible quarters. Nevertheless Guillaume Benoit would have us believe that the English were still intent on the murder of Burgundy and were preparing another attempt to compass it. He says that Suffolk fulfilled his promise of going to Gloucester on an embassy, and that he took with him an instruction partly written in English. Gloucester, it appears, was strictly forbidden to give battle to Burgundy's people, but it had been arranged that Philip was to come to Paris at Easter, when jousts were to be held and that done which before had been planned. Gloucester also was to profess eagerness for the single combat.⁶³ This renewal of the scheme, which had failed before Christmas, ended once more in nothing; we cannot be sure whether it was ever contemplated. Philip did not come to Paris either at Easter or later, though the regent and the earls of Suffolk and Salisbury remained in the capital till June, hoping, says Benoit, to execute their plan if the opportunity should occur. He gives as the reason for Burgundy's non-arrival the discovery of a plot to deliver Paris to the Dauphin by the hand of Lisle Adam, who was acting under Philip's orders.⁶⁴ Suffolk, at least, was openly disappointed at the duke's escape, if his servant's testimony is to be believed. Benoit deposed to hearing the earl and his friends express their hatred of Burgundy in no measured terms and avow intentions anything but friendly. He heard them say that the scheme would not have failed before if Gloucester had been there, but the regent was of no use.⁶⁵ This feeling of distrust of Bedford on the part of Suffolk and his friends appears more than once in Benoit's deposition. It seems to confirm the theory that the regent was playing a double game and could not wholly avoid the suspicion of duplicity.

English prospects in Hainault, meanwhile, were becoming darker every day. No sooner was Gloucester safely out of the country than the duchess dowager, who was after all a sister of John the Fearless, began to treat with Burgundy and Brabant for a settlement of her daughter's affairs. Finally they arranged

⁶² Jacqueline's claims to English assistance were recognized by the English council as late as July 1427, when she was still styled duchess of Gloucester: Nicolas, *Proceedings of the Privy Council*, iii. 271.

⁶³ Desplanque, *Pièce Justificative* III. 62.

⁶⁴ *Ibid.* p. 62; VII. 72.

⁶⁵ *Ibid.* VII. 71-2.

that Hainault should be surrendered to the duke of Brabant, and Jacqueline put into Burgundy's hands pending the decision of the divorce case.⁶⁶ Jacqueline was still holding out in Mons, however, but its inhabitants were getting restive and threatened to turn against her. Her helpless condition was made known to Philip by the interception of her letters to Gloucester, and in June the prince of Orange entered Mons without opposition and brought her a prisoner to Ghent.⁶⁷ For the moment the war was at an end.

The energies of the English Parliament, as well as of the duke of Bedford, were now directed towards stopping the single combat between Burgundy and Gloucester. It had already been postponed, for St. George's Day was past, but Philip at any rate had not abandoned the idea. In July, parliament sitting at Westminster decided to empower the queens of England and France and the duke of Bedford to take the debate into the king's hand and to forbid the disputants to proceed to battle, offering them 'administration of justice'. Ambassadors were to be sent to Burgundy to persuade him to agree to this, and also to treat for the deliverance of the duchess of Gloucester.⁶⁸ Towards the end of June the regent went to Hesdin, where Burgundy then was, to interview him on the same subject. He took with him the duchess of Bedford and the bishop of Thérouenne.⁶⁹ Benoit attributes a sinister motive to this expedition. He says that the regent took only a small company because he hoped to persuade Philip to accompany him to Crotoy, there to kill him, and he did not wish to arouse his suspicions. The murder was to be accomplished by a force of Gloucester's men who were concealed in the neighbourhood of Crotoy, and it was to appear the deed of Jacqueline's adherents in revenge for her imprisonment.⁷⁰ The regent's ingenuity was again doomed to failure, however, for Burgundy did not accompany him to Crotoy. If Benoit's accusations are true, the English conspirators were singularly unfortunate or extremely maladroit.

Bedford's ostensible object, that of reconciling Burgundy and his brother, met with no better success, and he returned to Paris after visiting Crotoy and Rouen,⁷¹ there to hold a council in the hope of settling the matter once and for all. In September this assembly met,⁷² and the letters which had passed between the two dukes were read and discussed. It was decided that the terms

⁶⁶ Wavrin, iii. 180; *Particularités curieuses sur Jacqueline de Bavière*, p. 111.

⁶⁷ *Particularités curieuses*, p. 122.

⁶⁸ *Rolls of Parliament*, iv. 277.

⁶⁹ Wavrin, iii. 185; Monstrelet, *Chroniques*, ed. Douët d'Arco, iv. 240.

⁷⁰ Desplanque, *Pièce Justificative* III. 62.

⁷¹ Wavrin, iii. 186; Stevenson, *Letters*, ii. 58.

⁷² Stevenson, *Letters*, vol. i, Introduction, p. lvii, note.

of the letters did not justify the combat, and this sentence was reported to the ambassadors of the two dukes.⁷³ It was further confirmed by a papal bull which was delivered to the regent on 24 September, by which Martin V finally forbade the duel.⁷⁴ Jacqueline's escape from Ghent during the same month had reopened the war between her and Burgundy, who prepared a force to pursue her into Holland.⁷⁵ He suffered another disaster at the same time in the death of his wife, Bonne of Nevers, whose character matched her name and had endeared her to all her husband's people. Her efforts to make peace between Philip and the Dauphin had been unremitting,⁷⁶ and the news of her death was probably not unwelcome to the English. It was cancelled, however, by another blow to their cause. On 7 October John VI of Brittany signed a treaty of peace with the Dauphin, formally abjuring his alliance with England.⁷⁷

To add to the regent's difficulties, the ill feeling between the bishop of Winchester and the duke of Gloucester culminated towards the end of October in a riot among their followers in the streets of London, and the bishop wrote furiously to Bedford, urging him to come to England.⁷⁸ Probably the settlement of this quarrel was the regent's main reason for obeying the bishop's summons, but Benoit as usual hints at darker motives in his references to the matter. The earls of Salisbury and Suffolk were sent for to Paris—they were campaigning in Maine—to conclude all matters together with 'Warnier' (probably Warwick), the bishop of London, and Hungerford. Finally, Bedford decided to go to England to determine all the matter of France, Brittany, and Hainault, against the Dauphin, Burgundy, and Brittany.⁷⁹ Judging from Benoit's deposition there seems to have been an impression abroad that war with Burgundy was imminent and the regent's visit to England had something to do with it.⁸⁰ Be this as it may, both Salisbury and Suffolk were left in positions of high command in France, the one over the whole northern portion of the English possessions, the other in the lower march of Normandy, while the earl of Warwick was made lieutenant in the southern districts.⁸¹ On 20 December Bedford arrived in England,⁸² and on 15 January open war was declared on Brittany,⁸³ a war which was prosecuted with vigour by the earl of Suffolk. At the same time a force dispatched by Gloucester to aid Jacqueline

⁷³ Le Fèvre de Saint-Remy, *Chroniques*, ii. 110.

⁷⁴ Stevenson, *Letters*, II. ii. 412.

⁷⁵ Wavrin, iii. 193-4.

⁷⁶ Fenin, *Mémoires*, p. 226.

⁷⁷ Cosneau, *Le Connétable de Richemont*, p. 111.

⁷⁸ Stow's *Chronicles*, ed. Howes and Buck, 1615, p. 368.

⁷⁹ Desplanque, *Pièce Justificative* III. 63.

⁸⁰ *Ibid.* VII. 72-3.

⁸¹ *Journal d'un Bourgeois de Paris*, p. 212, n. 1.

⁸² Nicolas, *Proceedings of the Privy Council*, iii. 197.

⁸³ *Ibid.* p. 181.

met with defeat at Brouwershaven⁸⁴ on 19 January, and the duchess found that she could put little trust in English support. She maintained the struggle for more than two years longer, but she maintained it alone. Gloucester made arrangements for sending her help in July 1427, but apparently the expedition never started.⁸⁵

With affairs in Hainault so unpromising, and the forces of Brittany added to the Dauphin's supporters, it is difficult to believe that the regent was still meditating treason against Burgundy. The right moment for getting rid of the duke was clearly past, for his death could now serve no useful purpose, while his continued support was becoming daily more necessary. Yet Guillaume Benoit affirms that hostile feeling towards Philip was still acute among the English, and he tries to give the impression that the regent was fostering it.⁸⁶ He says that at the time of Bedford's departure for England, he heard such outrageous words from Suffolk and his friends against Burgundy that he expressed a desire to leave the earl's service. Suffolk, however, by means of bribes and promises retained his loyalty for the time, and even endeavoured, apparently, to convince him of Burgundy's ill intentions and the need for thwarting them.⁸⁷ In the following spring, when the earl was campaigning in Brittany, he again discussed the situation and the regent's intentions with Benoit,⁸⁸ somewhat unwisely perhaps, considering that this man had already threatened to leave him. He fulfilled his threat a little later, having prepared the letter and memoir purporting to be written by Gloucester.⁸⁹ He had added a letter supposed to be written by Suffolk to Jehan de Robesart, master of waters and forests, in which allusion was made to designs on Burgundy's life decided on by the English privy council.⁹⁰ This letter he had forged at Paris in Suffolk's house.⁹¹ Armed with these documents he went first apparently to Dijon, where he told his tale to Nicholas Briffault, the treasurer of the duchess of Guyenne, Richemont's wife. Copies of the first letters were made and given to one Jehan Noudant, a member of Burgundy's council,⁹² while Briffault took Benoit to Angers, perceiving that his information would be more welcome at the court of Brittany than elsewhere. Here he was introduced first to Jean de Chinery, or Chevery, a knight often employed as ambassador by Richemont, and finally to Richemont himself.⁹³

The moment for the disclosure was well chosen. John VI and

⁸⁴ Wavrin, iii. 201.

⁸⁵ Nicolas, *Proceedings of the Privy Council*, iii. 271 seq.

⁸⁶ Desplanque, *Pièce Justificative VII.*

⁸⁷ *Ibid.* p. 73.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.* VI. 64.

⁹⁰ *Ibid.* IV. 63.

⁹¹ *Ibid.* VI. 66.

⁹² *Ibid.*

⁹³ *Ibid.*

his brother were straining every nerve to induce Burgundy to follow their example and abandon the English. Envoys had been passing to and fro between the courts of Brittany, Burgundy, and France for the past year,⁹⁴ but Philip still held back. This persistent attitude had begun to make John VI regret his alliance with France, which had exposed him to a war with the English in which he could not look for Burgundy's support. After two or three reverses he bought a three months' truce with Suffolk and began to negotiate with the earl for a renewal of the alliance with England.⁹⁵ But Richemont was wholly French, and it was to him that Benoit was taken. He jumped at the opportunity, not only of sowing discord between Philip and the English, but of convincing John VI of the treachery of their intentions. To this end he assisted in the forgery of a second letter from Suffolk to Robesart, an enlargement of that already made by Benoit, in which treasonable projects against Brittany were introduced in thinly veiled terms.⁹⁶ This letter was written on a blank paper signed with Suffolk's sign manual, which Benoit had by him. He, Briffault, and Chevery swore to the truth of it and the other papers before Jean de Malestroit, chancellor of Brittany, who probably thought them genuine. The documents were also shown to John VI, who charged Chevery to take Benoit to Burgundy,⁹⁷ and sent Malestroit at the same time,⁹⁸ to take advantage of the change of attitude which this information might accomplish in Duke Philip. When Chevery and Benoit set out, however, they took with them a private instruction from Richemont, warning Burgundy against attaching too much faith to Malestroit, whom the constable suspected of favouring the English.⁹⁹ The instruction given to the chancellor and dated 15 September 1426 contains a reference to the treason of the English against both dukes and others of the House of France, besides other arguments in favour of Burgundy's alliance with France and Brittany. In confirmation of the testimony concerning the plot, a speech of Suffolk's is quoted, in which he had, when he thought John VI was about to make peace with the English, expressed the ill intentions of himself and his countrymen towards Philip.¹⁰⁰ It certainly seems that Suffolk was inclined to talk too easily.

This completes the case against the English. The evidence

⁹⁴ Dufresne de Beaucourt, *Histoire de Charles VII*, ii. 370 seq.

⁹⁵ *Ibid.* ii. 378.

⁹⁶ Desplanque, *Pièces Justificatives* V. 63 and VI. 65.

⁹⁷ *Ibid.* VI. 67.

⁹⁸ Dufresne de Beaucourt, *Histoire de Charles VII*, ii. 379.

⁹⁹ Desplanque, p. 52.

¹⁰⁰ *Ibid.* *Pièce Justificative* VIII. 77. According to Benoit, Chevery told him that he had reported this speech of Suffolk's to Burgundy a month ago: *Pièce Justificative* VI. 66.

did not have the effect on Burgundy which John VI hoped for, and Richemont gained nothing but implication in a confession of forgery. Benoit and Chevery appear to have quarrelled on their journey as to who should get most credit in the matter. Ultimately Benoit was imprisoned by the Burgundians at Dordrecht, where he underwent some form of trial.¹⁰¹ Nine or ten months later¹⁰² at the Château of Lille he made the two depositions on which we can alone rely for the history of the affair. We cannot tell if he were speaking the truth, but, as Desplanque points out, there was then nothing to be gained either by declaring that he had forged the documents and by implicating Richemont in the charge of forgery, or by maintaining his accusations of the English.¹⁰³ His second deposition reads like an attempt to justify his conduct by relating all that he remembered suggestive of English hostility to Burgundy. He begins with an incident of the time of Verneuil concerning the reinstatement of one Jehan Doule, whom the regent had dismissed from the Rouen exchequer. By means of Gloucester, Suffolk, and the English council this man was made 'président des comptes de M. le régent', Bedford being forced to submit or consenting willingly as Suffolk told Benoit.¹⁰⁴ A similar vagueness characterizes his other statements, which are mainly reports of Suffolk's conversations with his friends or sometimes with Benoit himself. They prove only that there was a party among the English who hated Burgundy and wished for his downfall, but they do not prove the existence of a definite conspiracy against him in responsible quarters. Indeed, as far as the regent is concerned the evidence tends rather to acquit than condemn him of participation in any plot there may have been.

At any rate Benoit's story does not seem to have convinced the duke of Burgundy, for his relations with the English remain unchanged. In spite of the difficulties between the duke and Bedford consequent upon Gloucester's behaviour, Philip appears to have turned a wholly deaf ear to the tale of his ally's treachery, and to have paid no heed whatever to Brittany's representations. This may have been due to a reluctance to quarrel definitely with the English while they still held the upper hand in France, or, to credit him with a nobler motive, to unwillingness to break his oath sworn at Troyes. We know that even at Arras he had some difficulties with his conscience on that point. Again, it is possible that Benoit's intelligence was not all news to him, for it is conceivable that the regent had already informed him of the ill will of certain of the English towards him, thinking frankness the

¹⁰¹ Desplanque, *Pièce Justificative* VI, 67.

¹⁰² 5 and 10 June 1427: *ibid.* VI and VII.

¹⁰³ *Ibid.* p. 55.

¹⁰⁴ *Ibid.* VII.

best antidote to awkward rumours. We do not, indeed, know what facts came out in the Dordrecht trial or how much Benoit then revealed, but it may have been enough to make Philip hesitate to put faith in the princes of Brittany. Benoit owns, however, in his first deposition that he had not spoken the whole truth at Dordrecht, and implies that he had then concealed the fact of the forgery and of Richemont's part in it.

It has been suggested, not without reason, that the whole affair was devised and originated by Arthur of Brittany in order to embroil Burgundy with the English,¹⁰⁵ and that Benoit was merely his tool in making out a plausible story to tell Philip. This is not impossible, though it disposes of the theory that Benoit was speaking the truth, the whole truth at least, in his depositions. For, according to him, Richemont knew nothing of the forged papers until they were brought to his notice at Angers in the summer of 1426, and that then Benoit deceived him as to his antecedents, saying that he was a varlet of Burgundy's, too humble to make the disclosures himself.¹⁰⁶ The point of this deception is a little obscure. Richemont proceeded to make use of Benoit and his information without scruple, knowing it to be false, but he was not responsible for the conception of the forgeries. Had the whole idea of vilifying the English princes been his, it seems hardly likely that Benoit would have refrained from saying so, for he evinced no inclination to spare Richemont his share of guilt, and, having gone as far as he did, would undoubtedly have gone further.

On the whole, therefore, it seems that we can believe Benoit's account of Richemont's part in the affair, and we must look for the origin of the forged papers only to Benoit himself. Whether they were due to his knowledge of an actual plot, of which he only lacked written proof, or whether a natural aptitude for intrigue urged him to make capital out of stray utterances let fall by some of the English nobles suggestive of hostility to Burgundy, cannot now be ascertained. All that can be concluded is that the existence of such a conspiracy is just possible, and that had the murder been committed when Benoit says it was first contemplated, in November 1424, it would not have been without advantage to the English. But it was not committed, and that remains the only answer to the accusation. It appears to have satisfied Philip of Burgundy, and it must satisfy us.

C. RUTHERFORD.

¹⁰⁵ Cosneau (*Le Connétable de Richemont*, p. 87) suggests this possibility, but refutes it in a note, p. 501. Cf. Petit-Dutaillis, in Lavissee's *Histoire de France*, IV. ii. 32.

¹⁰⁶ Desplanque, *Pièce Justificative* VI. 67.

The Village Population in the Tudor Lay Subsidy Rolls

THE Tudor Lay Subsidy was a direct tax on land and movables. Before the reign of Philip and Mary, the tax was assessed according to a sliding scale,¹ but in Mary's reign its form was materially altered. On all those who owned land of twenty shillings or more in yearly value, there was thenceforward levied a tax of four shillings in the pound, *in terris*, while others whose goods and chattels were worth three pounds or more were charged at the rate of two shillings and eightpence in the pound, *in bonis*.² As illustrating the methods of direct taxation under the Tudors and early Stuarts, the great interest of the Subsidy Rolls is generally recognized. But the detailed assessments of the individual contributors open a far wider field, and one in which little work has so far been done. For upwards of one hundred years the records of every district in England are extant, and hence it is possible to follow in detail the fiscal history of those persons whose fortunes warranted their contributing towards the subsidy. Therefore the Subsidy Rolls may be used as evidence for the social condition of rural England during the sixteenth and early seventeenth centuries, and are especially valuable since they permit a detailed comparison of various parts of the country. If it is desired to discover the wealthiest or the poorest parts of

¹ This scale varied with different subsidies. Thus in a subsidy granted 16 Henry VIII, land was rated at one shilling in the pound, and goods at sixpence in the pound if the assessment lay between two and twenty pounds. Above this they were rated at one shilling in the pound. In the subsidy granted 34-35 Henry VIII the scale is more elaborate. Thus, lands worth from twenty shillings to four pounds were rated at fourpence in the pound, those worth from five pounds to nine pounds at eightpence in the pound, those worth ten pounds and upwards at one shilling in the pound. Goods assessed from twenty shillings to four pounds are charged two-pence in the pound, from five pounds to nine pounds at fourpence in the pound, at ten pounds and upwards at eightpence in the pound. It should be noticed that the minimum assessable value for goods also changes between the two subsidies.

² From the roll preserved for the hundreds of Sutton and Wardon, Northamptonshire (Exch. Lay Subs. 156/296, Public Record Office), it appears that at the commencement of Mary's reign the subsidy was still in the form of a sliding tax, lands being rated at two shillings in the pound. Goods worth from five pounds to nine pounds were charged eightpence in the pound, while goods exceeding in value this amount were taxed one shilling in the pound.

rural England, or in any way to contrast the social state of one shire with that of another, the Subsidy Rolls offer available material. Nevertheless, they have been somewhat neglected by recent students, while such references as are made to them are often vague, if not actually misleading.³

The fact that a subsidy was always levied with a tenth and fifteenth in the Tudor and early Stuart times introduces a certain amount of difficulty. But, as Mr. Kennedy has recently stated, 'what happened was that a new direct tax was tolerably accurately assessed at first, but then fell away, and was later stereotyped in some very different form, until the yield becoming too small, or the possibility of reformation too remote, a new attempt was made to get a productive and equitable tax.'⁴ Thus by the middle of Henry VIII's reign, when a levy of a tenth and fifteenth meant the levy of a fixed sum, the subsidy was levied with it to augment this amount. Hence through the Tudor and into the Stuart period the subsidy and the tenth and fifteenth were levied together, but while the former varies greatly, the latter tax brought in exactly the same amount in the reign of James I as in the reign of Henry VIII.⁵

The discussion in the present article is based on the evidence supplied by the rolls preserved for Nottinghamshire. The Subsidy Rolls relating to this county are fairly numerous and in respectable condition, though more rolls have been preserved for the northern part of the county than for the southern.⁶

³ By far the most satisfactory account of the technicalities of the subsidy is given by Henry Best of Elmswell, and his work forms the only contemporary authority for the local detail of the subsidy. Best's papers, written about 1641, were published by the Surtees Society, vol. xxxiii, 1857, under the title of *Rural Economy in Yorkshire*.

⁴ *English Taxation, 1640-1799*, p. 16 seq.

⁵ The rolls for the tenth and fifteenth which have been consulted are for Nottinghamshire, and are preserved in the Public Record Office. They are, under the title of Exchequer Lay Subsidies:

159/161 and 159/162 for 37 Henry VIII.

160/197 for 1 Eliz. 160/200 for 8 Eliz. 160/205 for 13 Eliz. 160/216, 160/218, 160/220, 160/222 for 28-29 Eliz.

160/224, 160/225, 160/226 for 31 Eliz. 160/228, 160/229, 160/230, 160/231, 160/233, 160/234 for 35 Eliz.

160/240, 160/241 for 39 Eliz. 160/257, 160/260 for 43 Eliz. 160/266, 160/267 for 3 James.

160/276 for 7 James. 160/286, 160/287 for 21 James.

The hundred of Rushcliffe constantly brought in £45 10s. 1d. for one whole tenth and fifteenth, while the amount raised by a like levy from the Broxtow hundred slightly increased from £38 7s. 7½d. in 1546 to £39 2s. 4d. in 1624. Between the same years the Bassetlaw total varies from £93 11s. 2d. to £93 16s. 1½d.

⁶ The rolls in the Record Office which I have transcribed are entitled Exchequer Lay Subsidies, the numbers being as follows:

159/121 Newark hundred 15 Henry VIII. 159/122 Bassetlaw hund. 15 Hen. VIII. 159/124 Rushcliffe hund. 15 Hen. VIII.

159/125 Broxtow hund. 15 Hen. VIII. 159/142 Bingham hund. 16 Hen. VIII. 159/128 Thurgarton hund. 16 Hen. VIII.

The value of the series is considerably enhanced by two authorities who both fortunately name the freeholders of the county. The first is Robert Thoroton, who in his *History of Nottinghamshire*, published in 1677, gives lists of freeholders for many villages in the Bassetlaw and Thurgarton hundreds⁷ for 1612, and in some cases indicates the nature of their holdings. The second authority is a memorandum preserved among the Burghley papers in the Lansdowne collection.⁸ It is headed 'Here followeth the names of

159/147 North Clay division of Bassetlaw 34-35 Hen. VIII.

159/189 Broxtow, Bingham, Rushcliffe, and Newark 1 Eliz. 160/206 Bassetlaw and Newark 13 Eliz.

160/207 Broxtow, Bingham, Rushcliffe, and Thurgarton 13 Eliz.

254/25 Bassetlaw and Newark 27 Eliz. 160/237 Bingham, Broxtow, Rushcliffe, and Thurgarton 35 Eliz.

160/244 Rushcliffe, Broxtow, Thurgarton, and Bingham 39 Eliz. 160/247 Bingham, Broxtow, Rushcliffe, and Thurgarton 39 Eliz.

160/251 Bassetlaw and Newark 39 Eliz. 160/252 Bassetlaw and Newark 39 Eliz.

160/248 Newark 39 Eliz. 160/253 Bingham, Broxtow, Rushcliffe, and Thurgarton 39 Eliz.

160/274 and 160/277 Bassetlaw and Newark 3 James I.

160/279 Bassetlaw and Newark 18 James I. 160/282 Bingham, Broxtow, Rushcliffe, and Thurgarton 18 James I.

160/291 Bingham, Broxtow, Rushcliffe, and Thurgarton 1 Charles I. 160/292 Bassetlaw and Newark 1 Charles I.

160/294 Bingham, Broxtow, Rushcliffe, and Thurgarton 3 Charles I. 160/296 Bassetlaw and Newark 3-4 Charles I.

160/299 Bingham, Broxtow, Rushcliffe, and Thurgarton 4 Charles I. 160/301 Bingham, Broxtow, Rushcliffe, and Thurgarton 16 Charles I.

160/302 Bingham, Broxtow, Rushcliffe, and Thurgarton 16 Charles I. 160/304 Bassetlaw and Newark 16 Charles I.

160/303 Bassetlaw 16 Charles I.

There are no rolls for Nottinghamshire in the Bodleian Library or at the British Museum. The documents referring to Nottinghamshire taxation in Add. Charter 39970 are receipts from collectors of subsidies and tenths and fifteenths, or receipts for debts to the Treasury. Through the kindness of Professor F. M. Stenton, of University College, Reading, I have also been granted the use of two rolls, duplicates of which are not in the Record Office. They are the property of Miss Calvert of Southwell. The first is for the Bassetlaw hundred and records the assessment of a subsidy granted 4-5 Philip and Mary, while the second is for the whole county concerning a subsidy granted 10 Eliz.

⁷ The county of Nottingham is roughly oval in outline. If a line is drawn from the kink in the western boundary of the county about three miles north of Mansfield to a corresponding kink at Ragnall on the eastern boundary, the land to the north of this line may roughly be stated to include the Bassetlaw-hundred. The rest of the county on the left bank of the Trent is occupied by the hundreds of Thurgarton and Broxtow. The county on the right bank of the Trent is divided among the hundreds of Newark, Bingham, and Rushcliffe, the boundaries running at right angles to the Trent. The Bassetlaw hundred is divided into the divisions of Hatfield, North Clay, and South Clay, the river Idle roughly separating the former from the two latter, which border on the Trent, while the road skirting the north of the parishes of Cottam, Treswell, and Grove separates North Clay from South Clay.

⁸ Lansdowne MS. 5. In the Harleian MS. 7020 there is a document entitled 'A list of the gentlemen and more substantial freeholders C. Notts'. There is no date affixed to it, but from the writing, one would judge it to be of the reign of Charles II or James II.

the freeholders within the county of Nottingham, every hundred', and from the evidence of the rolls must have been written between 1561 and 1571. The chief reason why the Nottinghamshire rolls have been selected for study in this present article is the existence of this external evidence.

The first problem presented by the Subsidy Rolls is the nature of the individual assessments. Were the subsidymen, that is, those rated to the subsidy, really assessed according to the value of their lands or goods, or did they pay a certain sum, which brought the subsidy to a previously arranged total? If a definite amount were required from a hundred, we should expect a statement to this effect in the 'Certificate' of the commissioners for that area. But there is never any evidence of an attempt to raise £x: the commissioners express their duties in the formula, 'We have taxed and assessed every personne within the saide Hundrethe or Wapentake chargeable to the saied subsidy'.⁹ Again, if a fixed sum were demanded from a hundred, the village totals also would have to be rearranged, and therefore the contributors in each village would often be assessed for and contribute an artificial sum to the subsidy. This is the accepted view,¹⁰ but it is not borne out by the Nottinghamshire evidence.

	4-5 P.M.	35 El.	39 El.	42 El.	1 Ch. I	3-4 Ch. I	16 Ch. I
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
East Retford . . .	8 4 0	3 2 8	3 16 0	3 16 0	4 8 0	4 8 0	5 16 0
Sturton . . .	13 6 8	12 0 0	10 8 0	10 12 0	5 0 0	5 0 0	11 12 0
Bole . . .	4 3 5	4 18 4	3 10 8	3 10 8	1 16 4	1 16 0	6 16 0
Clayworth . . .	7 19 4	5 8 0	4 8 0	4 12 0	3 16 0	3 16 0	7 12 0
Saundby . . .	4 13 0	2 8 0	4 17 4	4 17 4	1 8 0	1 8 0	2 8 0
South Leverton . .	3 13 4	3 5 4	3 16 0	4 11 4	3 0 0	3 8 0	6 0 0
Gringley . . .	5 17 4	2 14 0	2 16 0	2 16 0	3 4 0	3 4 0	6 8 0
North Leverton . .	4 14 8	2 18 8	4 16 0	3 12 0	2 0 0	1 16 0	3 12 0

The figures in this table give the amount raised from eight villages by each full subsidy¹¹ in the series, with the exception of those in the last column, which represent a double subsidy. They are sufficient to disprove the theory of a conventional village

⁹ Roll 10 Eliz.

¹⁰ Dowell, *History of Taxation* (ed. 1884), i. 197: 'The various counties and towns, and within them the various divisions and hundreds, paid, as near as might be, the amount previously paid for the subsidy, and any readjustment . . . that took place was limited to a rectification of the rolls of the subsidymen in the particular districts, with a view to produce the usual amount in every particular district and no more; for great would have been the outcry of the subsidymen had their district been raised in value while the neighbouring districts remained on the level of the old assessment.'

¹¹ A full subsidy meant a levy of 4s. in the pound *in terris*, and 2s. 8d. in the pound *in bonis*. Sometimes this could be paid in two instalments; in the first 2s. 8d. in the pound *in terris* and 1s. 8d. in the pound *in bonis*, while the remainder (1s. 4d. in the pound *in terris*, and 1s. in the pound *in bonis*) was paid in the second instalment.

assessment. They also demonstrate the more significant fact, that the amounts gradually diminish, so that a double contribution in Charles I's reign does not greatly exceed a single levy in that of Philip and Mary. Moreover the diminution is progressive and proceeds by well-defined stages. In 1557 the whole North Clay division, in which these eight villages are contained, paid £95. In 1593, 1597, and 1600, it paid respectively £69, £70, and £69. In both 1625 and 1628 it paid £49, while in 1641 a double subsidy brought in £96. When a hundred pays the same amount to two successive subsidies, they are generally levied within a short term of years.

In view of these repeated diminutions in hundred payments, for similar facts are observed in all divisions of the county, one can only offer the suggestion that either there is a very real decrease in wealth, or that there is some laxity in the collecting of the subsidy.¹² Under these circumstances, not only the hundredal but also the village assessments tend to equality. Thus in the North Clay division of Bassetlaw nineteen village payments are set out in the roll of 1557, but in the roll of 35 Eliz. not one of these villages answers for the assessments of 1557. But in the roll of 39 Eliz. four parishes make the same payment as in the roll of 35 Eliz.; while in the roll of 42 Eliz. twelve village totals agree with those in the previous roll. Again, twenty-five years elapsed between the roll of 42 Eliz. and the next full subsidy roll which is preserved, and only one parish in the roll of 1625 kept the assessment of 1600. But in the roll of 1628 at least twelve village assessments agree with those of 1625, while eleven totals from the roll of 1641 equal the totals of 1628. Throughout the county, village assessments tend to remain constant between subsidies levied at short intervals.

It might well be supposed, considering that only two or three years elapsed between the subsidies granted in 1597 and 1600, and again between those of 1625 and 1628, that there could not have been many great changes in the villages, and that the same individuals would again be presented for payment in each case. This, however, does not represent the state of affairs, for in nearly every village in the county, and not only in the North Clay division, there are repeated changes in the names of those who contributed to the subsidy :

¹² Among the duke of Rutland's manuscripts is a letter dated 1556, complaining of the negligence and corruption shown with regard to levying of the first payment of the subsidy in Nottinghamshire. There is, however, no trace remaining of this roll: *Twelfth Report, Hist. MSS. Comm., Append., Part iv, p. 67.*

Warsop			3-4 Charles I			16 Charles I (double payment)		
1 Charles I								
		£ s. d.			£ s. d.			£ s. d.
Wm. Baker	T 20s.	4 0	W. Barker	T 20s.	4 0	Wm. Wilde	T 40s.	16 0
Gervas Wilde	T 40s.	8 0	G. Wilde	T 40s.	8 0			
J. Clarke	b £3	8 0	J. Clarke	T 20s.	4 0			
J. Butcher	T 20s.	4 0						
R. Foxe	b £3	8 0	R. Foxe	b £3	8 0	R. Foxe	b £3	16 0
T. Whitehead	T 20s.	4 0	T. White-			Wm. White-		
			head	T 20s.	4 0	head	T 20s.	8 0
Hy. Lukin	b £3	8 0	Hy. Lukin	T 20s.	4 0	Anna Lukin	T 20s.	8 0
			B. Dunstan	T 20s.	4 0			
			J. Cooke	b £3	8 0	J. Cooke	b £3	16 0
						Ellen Stuffin	T £1	8 0
						J. Holte	T £1	8 0
						Wm. Jepson	T £1	8 0
		£2 4 0			£2 4 0			£4 8 0
Styrrup			3-4 Charles I			16 Charles I		
1 Charles I								
		£ s. d.			£ s. d.			£ s. d.
Rob. Pease	b £3	8 0	Rob. Pease	b £3	8 0	Rob. Pace	T £1	8 0
J. Hellaby	T £1	4 0	J. Hellaby	£1	4 0			
Wm. Fisher	b £3	8 0						
Wm. Langforth	b £3	8 0	Hy. Hurde	b £5	13 4	G. Wagstaffe	b £3	16 0
T. Walker	T £1	4 0	Greg. Wag-					
Wm. Hurde	b £5	13 4	staffe	b £3	8 0			
			Gerv. Mitten	b £3	8 0	W. Midlam	T £1	8 0
			Wm. Midlam	T £1	4 0	W. Saunders	T £2 10	1 0 0
						T. Walker	b £3	16 0
						Pat. Cressey	T £2 16 8	1 2 8
		£2 5 4			£2 5 4			£4 10 8
Tuxford			3-4 Charles I			16 Charles I		
1 Charles I								
		£ s. d.			£ s. d.			£ s. d.
Dorothy White	T £10	2 0 0	D. White	T 13 6 8	2 13 4	D. White	T 13 6 8	5 6 8
Francis Smith	T £1	4 0	Alec Smith	T £1	4 0			
Th. Wattmough	T £1	4 0	Rose Watt-					
			mough	T £1	4 0			
Greg. Samon	T £1	4 0	G. Samon	T £1	4 0	G. Samon	T £1	8 0
Geo. Wattmough	T £1	4 0	G. Watt-			Wm. Watt-		
			mough	T £1	4 0	mough	T £1	8 0
Hy. Strutt	b £3	8 0	H. Strutt	b £3	8 0	H. Strutt	T £1	8 0
Ric. Scott	b £3	8 0	R. Scott	b £3	8 0			
Wm. Brownelow	b £3	8 0						
Th. White	T £10	2 0 0	T. White	T £6 13 4	1 6 8	Anna White	T £6 13 4	2 13 4
J. Fretwell	b £3	8 0	Ed. Fret-					
			well	b £3	8 0			
			Th. Sucour	b £3	8 0	G. Cam	T £2	16 0
						Hy. Milner	b £3	16 0
						Ant. Coke	b £3	16 0
						G. Marshall	b £3	16 0
						G. Bellamy	T £1	8 0
		£6 8 0			£6 8 0			£12 16 0

In the three villages whose assessments are here set out in detail the totals for 1625 and 1628 are the same, while the totals for 1640 are just double the amount. It is, therefore, remarkable that the names of many of the subsidymen included in the roll of 1625 do not appear in the last roll. If the similarity in the

village totals had only existed in isolated cases, it might be set down to chance, but when it is found not in one parish but in many, there must be some underlying reason. Again, when a contributor's name disappears and others are inserted, it could be well understood that occasionally the new subsidymen would be assessed as the old, and consequently that the old village total would be maintained. But as these attempts to preserve the former village totals are found repeatedly throughout the county, one is led to infer, that when contributors dropped out either through death, removal, or misfortune, the individual contributions of those presented for payment at the next subsidy were so altered, if necessary, that the previous village total would be raised.¹³

Another point in connexion with the contributions of the subsidymen is highly significant. In the earlier subsidies, and through the first half of Elizabeth's reign, all manner of contributions are shown. Subsidymen pay for £4, £5, £6, and so on. But as time proceeds there seems to be a general levelling of individual assessments to a more or less stereotyped amount. Thus, in Lowdham (Thurgarton), for the year 1561, six people are assessed as follows: one in goods £9, one in goods £5, one in lands £3, one in lands 30s., two in lands 20s. But of eleven persons here in 1629 who are assessed to the subsidy, eight are represented as being worth £3 *in bonis*, while three have to contribute on land, which is valued at 20s. in each case. So also in Egmanton in 1557, six subsidymen are assessed: one in goods £9, one in goods £6, one in goods £5, one in lands £20, two in lands 40s. In 1629 five subsidymen are all assessed *in bonis* £3. Unless the figures are quite abnormal, we may certainly say that while the payments made by villages and hundreds progressively decrease, the contributions of individual subsidymen tend to be based on a conventional assessment.

From these facts it seems permissible to argue that originally all persons were correctly assessed for the subsidy and taxed accordingly, as the variations in the earlier village assessments demonstrate. But as time went on, the constables from each parish seem to have been satisfied if they could raise as much as was obtained on the previous roll, if there were sufficient subsidymen in the village. In the event of an individual lapsing, new subsidymen were supplied, and the various contributions so altered that the old village totals might be realized.¹⁴ If the accounts for

¹³ In the event of a full subsidy being levied it was not a difficult task to make changes, as the tax on £3 in goods, that is 8s., equalled the tax on 40s. on land.

¹⁴ Mr. Amphlett has suggested in his edition of the *Lay Subsidy Roll for Worcestershire, 1603*, edited for the Worcestershire Historical Soc. 1901, that the partitioning of assessments for the subsidy bears some comparison with the artificial hidation for the geld (Maitland, *Domesday Book and Beyond*, p. 120). But it is difficult to agree with

the village of Styrrup are examined, three subsidy-men who appear in the roll of 1625 are missing in the next list, but three new subsidy-men are found to contribute. In the next roll three more have ceased payment, while again the names of new subsidy-men are inserted. But Robert Peace, who has been contributing on goods, now suddenly is assessed in lands, while Patrick Cressy is assessed in such a manner that the old total, or rather double the previous total, as this is a double subsidy, is raised. There can be no doubt that this is a deliberate attempt to provide the old total, to obtain which the subsidy-men are assessed, not on their actual wealth, but in such a manner that the amount raised by the previous levy could if possible be collected. In the Tuxford account we find that Dorothy White's contribution is raised, while Thomas White's is lowered just sufficiently to bring out the old total, and in the last payment Henry Strutt's assessment is changed from goods to lands. Also at Warsop, at the assessment for the subsidy of 1628, John Butcher, who appears in the previous roll, is not in evidence, while two new men are included. To keep the total stable, there is a reduction for John Clarke and Henry Lukin, but the nature of their assessments has been changed from goods to lands. We are here faced with the insoluble question whether these two men suffered misfortune and complained against their previous assessment to the commissioners, as they had a right to do, so that two new men were put in to keep the total up. On the other hand, there might be two men able to pay, and because of their payment two of the poorer subsidy-men benefited. John Clarke, however, does not appear in the Subsidy Roll of 1641, although he was in the parish just before the levy, and apparently in much reduced circumstances.

Before forming an opinion upon the status of those who paid towards the subsidy, there are some preliminary questions to be asked. We must not merely assume because a given man is assessed *in bonis* that his sole wealth lay in movables. We are entitled to believe that all those who were assessed *in terris* were freeholders, as they are charged 'with the valuation of their landes'. But there remained a class of freeholders owning lands below the value of 20s. yearly, but having goods to the value of £3 or over, and these appear in the rolls as assessed *in bonis* £x. We have already had occasion to note that a subsidy-man might change his assessment from lands to goods, or from goods to lands.

him when he asserts that 'probably all down the years, subsidies had been assessed in this manner from the times of Danegeld and Domesday Book'. The evidence of the rolls demonstrates that the subsidy, through the first half of Elizabeth's reign, was correctly assessed on all who were chargeable to it, although after this the signs of conventional assessment begin to appear. But these efforts towards conventionality appear to be limited to the time when subsidies of a similar rate were levied at close intervals.

On comparing the rolls, cases like the following are constantly occurring :

Carcolston (Bingham)	35 Eliz. Ric. Kirke	T 20/-	39 Eliz. Ric. Kirke	b £3	39 Eliz. Ric. Kirke	3rd Payment T 20/
Ruddington (Rushcliffe)	1 Ch. I Hen. Willamett	b £3	4 Ch. I Hen. Willamett	T 20/-		
Farnsfield (Thurgarton)	39 Eliz. Th. Batman	b £3	18 James I John Bateman	T 20/-	1 Ch. I John Bateman	b £3
Clifton (Rushcliffe)	13 Eliz. Wm. Addenborrow	b £3	35 Eliz. Fr. Addenborrow	T 40/-	39 Eliz. Marg. Addenborrow	b £3
Darlton (South Clay)	4-5 Ph. & M. Ric. Taylor	T 20/-	10 Eliz. Ric. Taylor	b £3	13 Eliz. Ric. Taylor	T 20/-
Askham (South Clay)	3 Eliz. Law. Smythe	T 26/8	10 Eliz. Law. Smythe	b £4		
Edwinstowe (Hatfield)	27 Eliz. Ric. Sharpe	b £4	35 Eliz. Ric. Sharpe	T 40/-	39 Eliz. R. Sharpe	b £3

It is evident that such contributors were freeholders, though just hovering about the 20s. minimum. It is, in short, unsafe to assume that men paying *in terris* were the only freeholders paying to the subsidy.

For many districts this internal evidence is alone available, but for Nottinghamshire we fortunately possess external means for verifying this information. The most important of these, though it is not quite exhaustive for the district covered, is Robert Thoroton's list of freeholders for 1612. There are no rolls for this exact date, but a roll of 1606 exists for the Bassetlaw division, while a roll of 1621 includes the Thurgarton hundred. Upon a comparison the number of names which appear both in Thoroton's list and the rolls works out for the Bassetlaw hundred at the rate of ninety-three freeholders for the North Clay division, eighty for South Clay, and eighty-three for Hatfield. In the Thurgarton hundred there are sixty-two. Although many of these freeholders oscillate between assessments in lands and in goods, yet it is surprising to find that some never pay *in terris* at all. Their numbers are considerable, being twenty-nine for the North Clay division, twenty-four for South Clay, and twenty-eight for Hatfield. In the Thurgarton hundred twenty-seven are never assessed *in terris*. Therefore in these four districts 38 per cent. of those people definitely set down by Thoroton as landowners are never assessed in lands, as long as their names are found in the Subsidy Rolls.

In Thoroton's lists of freeholders there is, further, an occasional note against a name indicating the precise nature of the holding in 1612. These notes deserve comparison with the Subsidy Rolls :

Hatfield division.

Walesby.	Rich. Hurst	owned 2½ oxgangs.	Pays <i>in bonis</i> £3.	Once in 1606 pays <i>in terris</i> 40/-
	Wm. Baker	„ 1½ „	„ „	£3 continually
Serlby.	Rob. Newcombe, Jr.	„ 3 „	„ „	£3 „

North Clay.

Misterton.	Ed. Edlington	owned 1 windmill and 37 acres of land.	Pays <i>in bonis</i> £3
Walkingham.	Rob. Woodhouse (Eliz. W. only in rolls)	owned	
	1 mess: 1 garden 1 orchard 33 acres of land		„ „ £3

South Clay.

Kirton.	Mich. Clarkson	owned 2 oxgangs	assessed £3 <i>in terris</i>
	Wm. Ingham	„ 1½ „	„ £3 <i>in bonis</i>
Rampton.	Wm. Leggat	„ 6 acres	„ £3 „ „

Thurgarton and Leigh.

Bleasby.	Wm. More	„ 5½ oxgangs	„ £3 „ „
Edingley.	Wm. Cartwright	„ 22 acres of meadow	„ £3 „ „
		16 acres of arable, 1 mess: 1 cott: 1 water-mill.	

Why do Robert Newcombe, who owns 3 oxgangs, and William More, who owns 5½ oxgangs, pay in goods, when Michael Clarkson is assessed at £3 *in bonis* on 2 oxgangs? ¹⁵ The mental processes of a Stuart tax-collector are inscrutable, but his aberrations may warn us against arguing too closely from the terminology of the records before us. An assessment *in bonis* is not synonymous with an assessment on movables.

An additional proof of this statement is afforded by the Burghley memorandum.¹⁶ Of the freeholders there set down, all

¹⁵ Under Normanton on Soar, Thoroton states 'This whole township is Mr. Daniel Earles, saving five yardland which Mr. Rich. Fillingham inherits from his ancestors . . . and there are five more freeholders, but too small to mention'. From the rolls for 1597 Bart. Fillingham was assessed *in terris* 40s. In the succeeding rolls Kath. Fillingham is assessed 30s. *in terris*, while in the roll for 1641 Robert Fillingham was assessed for the like amount.

The relation between property and assessment can sometimes be illustrated from a comparison of surveys and terriers with the rolls. In a survey of the lands belonging to Gilbert Neville in Ragnall (Add. MS. 36981), we find that his tenants, George Smith and Widow Addy, respectively hold fifty-eight acres one rood, and seventy acres three roods, but both are assessed £3 *in bonis*. Bound up in the same volume is 'a survey of certain lands lyeinge in Fledborrowe, Ragnell, and Dunham, belonging to Robert Mellish'. It there appears that Rich. Pickeheaver of Dunham held nine acres two roods twenty poles. Also Widow Smith of the same village held eleven acres three roods thirty-one poles of arable and five acres one rood of marsh land. Both were tenants of Rob. Mellish and both were assessed at £3 *in bonis*. Wm. Clarke of Dunham, who in 1628 was assessed *in terris* 20s., sold his land in 1631, which contained fifteen acres two roods thirty-four poles, and eight acres of marsh land. He disappears from the subsequent subsidies. Further, a certain Edward Clarke sold fifty-two acres of arable land in 1628. In the roll for 1625, Nicholas Clarke was assessed £1 *in terris*, and the Clarke family thenceforth disappears from the rolls. Similarly William Hauxmore sold six acres of arable land in 1620. He is, however, assessed £3 *in bonis*, but it should not be inferred that this was his entire holding.

From a survey of J. St. Andrewes' estate, taken in 1646 (Add. MS. 37720), it appears that the value of the manor house was £400, while the demesne land was worth £133 6s. 8d. The tenements were valued at £181, and the cottages at £28 10s. per annum. The St. Andrewes family were assessed at £30 *in terris* in 1625, but this gradually diminished to £6 in 1641.

¹⁶ See above, p. 236.

men of substance, forty-seven can be traced in the Bassetlaw hundred, seven in Newark, nineteen in Thurgarton, twenty in Broxtow, thirteen in Bingham, and nine in Rushcliffe. But of these, six freeholders in the Bassetlaw hundred are consistently assessed in goods, two in Newark, three in Thurgarton, three in Broxtow, one in Bingham, and one in Rushcliffe. Although the percentage of those in Burghley's list who never appear as paying in lands is lower than the percentage of such persons in Thoroton's list, yet it gives additional evidence to show that freeholders are often assessed *in bonis*, and hence, that not all contributors to the subsidy on that basis must be regarded as men who own no land. This evidence, therefore, suggests that the landowning element in the rural population of England was considerably larger than would appear from estimates founded exclusively upon the Subsidy Rolls. The combined evidence of the Burghley and Thoroton memoranda is too strong to be explained away.

Finally, there is a class, and a very extensive one, of which the members, though possessed of property above the *minima* for both lands and goods, appear paying indifferently in either :

		39 Eliz.	1st payment.	39 Eliz.	3rd payment.
Edwinstowe (Hatfield)	John Standlaye		<i>terris</i> £5		<i>bonis</i> £7
			3 Eliz.		10 Eliz.
Eastwood (Broxtow)	John Fulwood		<i>bonis</i> £5		<i>terris</i> 40/-
			39 Eliz.		1 Ch. I
Annesley (Broxtow)	Hy. Chawood		<i>terris</i> £10		<i>bonis</i> £5
			3 Eliz.		10 Eliz.
Gringley (North Clay)	Wm. Walsom		<i>bonis</i> £7		<i>terris</i> 40/-

The reasons for this change are unknown, and are lost with the collector's subsidy book;¹⁷ and yet these freeholders are many of them obviously of good rural station. The fact that a freeholder is wealthy enough to be assessed at £5 *in bonis* shows that he is not a poor man, while some of these men assessed in goods are termed 'Gent.' or 'Esquier', not only in Burghley's list, but in the rolls themselves. This may appear a minor point, but its importance lies in the fact that it is directly opposed to the contemporary description of the subsidy given by Henry Best. Best says, 'The wealthiest and more able subsidymen are always sette downe so much *in terris*, and the meaner sorte of them *in bonis*'. But a freeholder who is assessed at £9 *in bonis*, or indeed at anything over £5, cannot be called 'of the meaner sorte', and

¹⁷ Among the duke of Rutland's MSS. at Belvoir Castle, is a letter dated 1557, in which one Hugh Thornhill, writing to the duke, states that his man lost his capcase containing the books of the subsidy of Bassetlaw, Thurgarton, and Newark, but no news could be obtained of them although there had been 'proclamacion in good townes' and 'axinge theym in churches': *Twelfth Report, Hist. MSS. Comm., App. iv, p. 67.*

thus the wealthier freeholders appear to pay quite indifferently in lands or goods.

Having determined the freeholders for the Bassetlaw and Thurgarton hundreds from Thoroton, we find, on comparing the rolls, that some names drop out very rapidly. Very few of the recorded freeholders of 1612 are represented by men of the same name in the roll of 1585, while fewer still are found in the roll of 1558. More exactly, of the ninety-three freeholders in the North Clay division in 1606, forty names appear in 1585 and thirty-three in 1558. In the South Clay division, of eighty freeholders, the names of fifty-one occur in the roll of 1585, while thirty-three occur in the roll of Philip and Mary. Out of eighty-five freeholders in the Hatfield division only thirty-three names can be traced in 1585, while sixteen names only can be found in 1558.¹⁸ For Thurgarton hundred there are no rolls extant either for 1585 or for the reign of Philip and Mary. But a comparison of the rolls as far back as 1561 shows that only fourteen names correspond with the names of the sixty-two freeholders who are mentioned by Thoroton, and found in the rolls of 1621. Therefore 51 per cent. of these freeholders in the North Clay division, 36 per cent. in the South Clay division, and 61 per cent. in the Hatfield division in 1612, can be traced no further back than 1585, in the rolls. This result is striking, for according to the rolls a majority of the freeholders of 1612 in this region appear to have been holding less than two generations. To say definitely that these freeholders were not in the parish would be indiscreet,¹⁹ but one is tempted to guess that many of them were not settled there until their names appear in the Subsidy Rolls.

For on two occasions, nearly a hundred years apart, the military necessities of the government called for an extraordinary levy and an assessment more searching than customary. In 1544, in order to finance an expedition to France, an unprecedented subsidy was levied.²⁰ In 1641, to meet the expenses entailed by the Treaty of Ripon, £400,000 was granted 'for the necessary defence and great affaires of England and Ireland'.²¹ By a singular

¹⁸ It will be observed that the names have not been traced back to the rolls of Henry VIII. The reason for this is that they are often imperfect, and hence where villages are missing it would be impossible to make comparisons.

¹⁹ The fact that the rolls in various cases are careful to indicate where a subsidyman has adopted an alias makes it improbable that many freeholders of long standing are thus disguised in later rolls.

²⁰ Mr. Dowell states that this expedition is said to have cost £1,340,000, towards the expenses of which the king received from parliament the largest grant which had up to that time been made (*History of Taxation*, i. 181).

²¹ Exch. Lay Subs. 160/303. There are two rolls extant for levies made in the Newark and Bassetlaw hundreds during 1641, one for an ordinary double subsidy to which previous reference has been made, and the other being the levy for the £400,000.

and fortunate chance each assessment is recorded upon an extant roll. So full is each roll that it must of necessity have included all the householders of the various parishes. Thus, there are in the roll for 1641 fifty-eight names for Clarborough, seventy for Hayton cum Tilne, seventy-two for Clayworth cum Wiseton, sixty-four for Gringley, and one hundred and five for Misterton cum Stockwith. In the ordinary subsidy for 1641 there are nine names for Clarborough, six for Hayton cum Tilne, twelve for Clayworth, seven for Gringley, and nine for Misterton cum Stockwith. These villages have been selected at random. The ordinary rolls which follow 1612 show a gradual disappearance of the freeholders of that year, so that by the time the subsidy for 1641 is reached, not one-half of those in Thoroton's list who ever pay to the subsidies are still continuing in the rolls. But on comparing the roll for the extraordinary levy of 1641 with the normal roll of that year, we find that some of those who have disappeared from the subsidy are still in the parish, though from the nature of their contributions diminished in wealth. Thus, out of ninety-three freeholders for North Clay in 1612 only thirty are assessed in the normal roll of 1641, while the names of thirty-six more occur in the extraordinary roll. The same roll reveals the names of fourteen freeholders out of the eighty recorded for the South Clay division, in addition to the thirty-four who consistently pay to the subsidy. In Hatfield, out of eighty-five freeholders, thirty-six names continue through the ordinary rolls, while eleven names which have vanished from them appear in the singularly full list of 1641. Therefore, 27 per cent. of the freeholders of the North Clay division have not only disappeared from the rolls, but cannot be traced in the very complete list of 1641, in which they must have been included were they resident in the parish. In a like manner, 40 per cent. of the freeholders of 1612 have vanished from South Clay and 44 per cent. from Hatfield. Yet the interval between 1612 and 1641 is hardly a generation, and in the North Clay division, where the least change has taken place, over a quarter of the freeholders cannot be traced.

Turning once again to the list in the Burghley memorandum, and comparing the parishes mentioned both in this and by Thoroton, we find another disappearance of freeholders. Thus, of the nineteen freeholders in the North Clay division mentioned in the former who occur in the rolls, only two persons of the same name are still holding in 1612. In the South Clay division five names out of eleven, in Hatfield six out of eight, and in Thurgarton five out of sixteen, coincide.

If these relatively rapid changes took place among the freeholding population it would not be surprising to find that those who were not freeholders likewise vanished, and that the per-

centage of lapses would be higher.²² Therefore, having selected the roll of 1606, we have compared with the great roll of 1641 those parishes fully of which Thoroton makes no mention, while in those villages in which he notes the freeholders we have only compared the names of those who are not found in the list. The result is, that out of sixty-three names in the North Clay division for 1606, only thirty-five names can be found in 1641, while in the South Clay division sixteen only can be found out of forty-eight. In the Hatfield division, of the forty names in the roll of 1606, only sixteen can be traced in the subsidies and the complete roll for the levy of the £400,000. That is, in Hatfield 60 per cent., in North Clay 46 per cent., and in South Clay 66 per cent. of the people included in the roll of 1606, but not known as freeholders, have completely vanished from the parishes in which they were found by 1641.

It has been already stated that, in addition to the very complete roll recording the levy for the expenses entailed by the Treaty of Ripon, there is a record of another great levy for Henry VIII's last French expedition. If the names assessed in both rolls are counted, it is found that 817 names are in the North Clay roll for 1544 and 873 names in the same division in the roll of 1641. Apart from the village of Saundby, the figures for which are inexplicable,²³ 791 names are recorded for 1544, and 871 for 1641. This implies that numerically there has been no very great change in the population of the division for one hundred years.²⁴ But on examining the names in detail in both rolls, it soon becomes evident that this superficial stability cloaks a large amount of movement. Of the 791 names in the roll for 1544, only 131 survive until 1641.²⁵ That is, only 16 per cent. of those living in the villages of North Clay at the latter date could claim that their ancestors were living in the village one hundred years before.

²² In Nottinghamshire, on the estates of the archbishop of York, there was a large and important class of copyholders of inheritance who enjoyed virtual security of tenure. The fines on alienation of copyhold tenements within these manors were small and certain.

²³ For this village there are twenty-eight names in the earlier and only two in the later roll. From the evidence of the ordinary subsidy rolls it is clear that more names should be included for the parish in 1641.

²⁴ If the number of names for some villages in the great roll of 1641 is multiplied by three, to give in as low an estimate as possible the population of the village, the product is greater than, or almost equals, the population for 1801. The following are examples:

	1641	× 3	1801		1641	× 3	1801
Burton	16	48	33	South Searle	55	165	119
Littleborough	20	60	62	Staunton	69	207	217
Stokeham	10	30	12	Thorpe	15	45	44
Hawton	34	102	107	Girton	37	111	125

²⁵ See the last column in the table on p. 248.

If however, the village totals are examined, it is at once evident that in some parishes there has been a decline, and in others a growth, in the tax-paying population. More exactly, eight parishes show an increase and eight a decrease, while in one the number of names remains constant. The following table gives the number of names in the roll for 1544 in the first column, and in the second column the number in the roll for 1641. The third column indicates the number of identical names found in both rolls.

Clarborough	53	58	5	Bole	26	23	3
Hayton cum Tilne	34	70	5	Burton	17	16	1
Clayworth	49	72	12	North Wheatley	40	61	7
Everton	50	71	8	South Wheatley	10	8	2
Gringley on the Hill	47	64	9	Littleborough	21	20	5
Misterton	86	105	15	Sturton	62	20	5
Walkeringham	77	79	21	Habbleshorpe	26	26	2
Beckingham	70	66	18	North Leverton	56	55	5
Saundby	28	2	0	South Leverton	65	57	8
					817	873	131

By comparing the roll for 1544 with that of 1557 we are enabled to discover which of those assessed to the subsidy at the latter date were not living in the parish thirteen years previously. Of the 122 names occurring for the North Clay division in 1557, only 92 can be traced back to 1544. That is, 24 per cent. of those assessed in the roll of 4-5 Philip and Mary do not appear in the roll of 34-5 Henry VIII, and in view of the great detail of the latter roll it is legitimate to conclude that they were not dwelling in the various parishes.

From this evidence it is only possible to draw one conclusion, and that is that the rural population of Nottinghamshire during the years which elapsed between the issuing of the first and last subsidy roll of our series was undergoing great changes. That they are not the outcome of a sudden disturbance, but are continually proceeding, is proved conclusively by the arrangement of the subsidy lists in parallel columns. If the names for a parish in an early subsidy are written down, and the names recurring in the next roll containing the parish are written alongside, it will be found that blank spaces occur, while new names have to be added. If the same method is followed, not for two rolls, but for fifteen, covering a period of about one hundred years, it will be found that names continually disappear, while new names occur, themselves in turn vanishing, leaving finally perhaps one family running through the series for a parish, a family which is generally that of the lord of the manor, or of a wealthy freeholder. Thus, on counting the number of names found in the rolls of Philip and Mary, and 3 Eliz., which run through to the double subsidy of 1641, the result is as follows, it being remembered that there are no rolls for 1557 for the four last divisions:

		4-5 P.M.	16 Ch. I	
Bassetlaw	(North Clay division	128	25	= 19 %
	South Clay "	113	20	= 17 %
	Hatfield "	82	12	= 14 %
	Newark hundred	71	11	= 15 %
		3 Eliz.	16 Ch. I	
	Thurgarton "	106	22	= 20 %
	Broxtow "	56	9	= 16 %
	Bingham "	56	13	= 23 %
	Rushcliffe "	55	11	= 20 %

Upon one obscure question affecting the interpretation of the rolls, the Nottinghamshire series gives no direct information. In the work to which reference has already been made Henry Best says, 'Some subsidymen they (the commissioners) will make onely bearers, and on the other side, subsidymen of some whoe formerley have beene but bearers, accordingly as they finde them of ability and altered in theire estates'. He also gives an extract relating to Elmswell in Yorkshire, in which two names occur, and afterwards explains the statement.²⁶ It is noticeable that in the extract from the roll there is made no mention of a bearer,²⁷ and likewise in the Nottinghamshire rolls we have never found any reference to the name. But the exact status of a bearer is quite clear—he was one of those persons who were not possessed of sufficient means to warrant their inclusion in the subsidy roll. That he did not fall far short of the requisite minima is clear from the fact that if his wealth increased he would be placed in the rolls at the next levy. It is certain that no 'bearer' as such ever appears in the extant assessments, but on the other hand there are grounds for the belief that some contributors were bearers who had been raised to the dignity of subsidymen. An example is found in Cromwell (Thurgarton). In 1618 and 1625 George Horner is assessed at £4 *in bonis*, but in 1629, at the first payment of the subsidy, George Horner is not in evidence, while one Thomas Cooke is assessed £4 *in bonis*. Yet at the second

²⁶ 'Elmswell rate for the Subsidy. April 28th. 1641.

Assessors for the subsidy there { Henry Best
William Pindar,

Henry Best *in bonis* £7

William Whitehead *in bonis* £3. The bill ends here.

Henry Best his rate for the subsidy of £7 *in bonis*, which for two subsidies commeth at 2/8 per pound to 37/4, whereof he himself is to pay 31/4 and Edward Lynsley his bearer 6/-. William Whitehead, £3 *in bonis* commeth to 16/-. whereof William Pindar a bearer with him payeth 3/4, and Richard Parrott, another bearer with him 2/8, soe that his owne part commeth but to 10/- just: 'Rural Economy in Yorkshire, p. 86.

²⁷ Mr. Tawney (*The Agrarian Problem in the Sixteenth Century*, p. 461) prints a letter from the tenants of North Wheatley to the king, dated 1629. It is there stated that twelve persons in the village contribute to the subsidy, while there are two hundred tenants in the parish. In the roll for 1628 eleven names occur. The correspondence is noteworthy, for there is no room left for any bearers, and had such been paying they would certainly have been included. The two hundred tenants looks a conventional figure.

payment for the same subsidy, Thomas Cooke is not mentioned, while George Horner reappears, taxed for his previous amount. Similar entries appear sporadically through the county. It is probable that some of the men whom we have shown to have disappeared from the rolls, but still to be living in the parish, had their places taken in the subsidy by a bearer, who, his estate having increased, was then deemed of sufficient wealth to be reckoned as a subsidyman.

It may be convenient to summarize the most definite conclusions suggested by a comparison of the available rolls for Nottinghamshire. In the first place, at least 37 per cent. of the known freeholders appearing in 1606 had vanished by 1641, in the three divisions of the county where a comparison was possible, while comparatively few of the names in Burghley's list, *c.* 1570, appear in 1606. In the three divisions of the Bassetlaw hundred, at least 46 per cent. of the people assessed in 1606, other than those known to be freeholders, have lapsed in 1641, while at the most only 23 per cent. of the surnames occurring in the roll of 4-5 Philip and Mary occur in the last roll. Finally, throughout all parishes in the rolls, subsidymen are continually falling out, to be replaced by others, who in their turn lapse. Now every one of these results points to the same conclusion, that the population of the county of Nottingham between the years 1558 and 1641 was in a highly mobile condition. It would be expected that the names of tenants, leaseholders, and even copyholders, might gradually disappear, but one was hardly prepared for so rapid a disappearance of freeholders within the short period from 1612 to 1641. Whatever the explanation of these figures may be, and it is probably complex, they indicate a change greater than any due to the ordinary chances of life, and therefore it seems permissible to infer that the rural population, contrary to the general conception, was not permanently rooted in its native soil. It yet remains to be demonstrated that Nottinghamshire does not present an abnormal case, but such comparison as has been made of the rolls of other counties suggests that Nottinghamshire will not prove a remarkable exception.²⁸ At any rate, this much is certain, that any uncompromising assertion of the stability of the rural population under the Tudors and Stuarts deserves revision in the light of this fiscal evidence. S. A. PEYTON.

²⁸ The names in the subsidy rolls for Northamptonshire and Huntingdonshire lapse in exactly the same fashion as those for Nottinghamshire, thereby demonstrating that the latter county presents no extreme case. For instance, in Leightonstone hundred, Huntingdonshire, there are 124 names mentioned in the roll of 8 James I (Exch. Lay Subs. 122/203), whereas only 45 of these can be found in the roll of 3 Charles I (Exch. Lay Subs. 122/211). In the same way, of the 112 persons in the roll for Corby hundred, Northamptonshire, for 8 James I (Exch. Lay Subs. 157/393), we can trace no more than 41 in the roll of 3-4 Charles I (Exch. Lay Subs. 157/415).

The Privy Council of 1679

ON 16 April 1679 Charles II and the privy council met in Whitehall. They allowed a petition from William Penn, granted passes beyond the sea, considered reports from the committee of trade, and decided to hear certain petitioners at the first council in May. So end the minutes in the sixty-seventh volume of the Register. The remaining leaves are blank, and their bareness seems to speak of abrupt transition and of things incomplete; for the privy council which had been constituted at the Restoration never did business again. Those best informed about court knew already that changes were talked of.¹ Four days later the councillors met for the last time, to be thanked and dismissed. On Easter Sunday, 20 April,² councillors were bidden to attend the king at Whitehall, where he received the sacrament, and in the afternoon convened them in extraordinary session.³ Then a declaration was read for him by the lord chancellor: 'a Resolution Hee hath taken in a matter of Great Importance to His Crowne & Government', and one which he hoped would be advantageous to his kingdom thereafter. He gave thanks to his councillors for their service in the past; but because there were so many of them he had been driven to employ a smaller number in foreign committee, 'and sometimes the Advices of some few'. Ill success had followed and great dissatisfaction, which left the government too weak to cope with danger. This he must prevent in the future, so he would dispense with small and secret bodies, and constitute a new privy council which would be for the digestion of all business. The members he would choose from the several parts of the state, who were best informed about it; and by the constant advice of this council he would thereafter govern his kingdom, together with the frequent use of parliament, which 'he takes to be the true Auncient Constitution of this

¹ The duke of York to Lord Dartmouth, 28 March 1679, Add. MS. (British Museum) 18447, fo. 2; Barillon, dispatch to Louis XIV, Archives des Affaires Étrangères, Angleterre, Transcripts from Paris (Baschet), xl, 27 April 1679 (n.s.); see W. D. Christie, *Life of Shaftesbury* (London, 1871), ii. 326.

² *The London Gazette*, 21 April 1679. The date is wrongly given as the 19th in *The Memoirs of Sir John Reresby* (London, 1875), p. 167.

³ Diary of the Earl of Anglesey, Add. MS. 18730, 20 April 1679.

State & Government'.⁴ Accordingly the present council was now abolished.

Of the new council the princes of the blood were to be members, besides whom there would always be thirty councillors, half of them officers of the king, half of them members who held no office under him. The first fifteen, who were the king's chief officials, 'shall be Privy Councillours by their Places'; then ten out of the several ranks of the nobility, and finally five commoners, 'whose knowne Abilities, Interest, and Esteeme in the Nation, shall render them without all suspition'.⁵ Further, there would be a lord president of the council and a secretary of Scotland, when there was a lord president, or when the secretary was in England, these officials not being reckoned in the thirty, which number was otherwise at no time to be exceeded. To some extent the choice of councillors was by twos: for the care of the church, the archbishop of Canterbury and the bishop of London; for the law, the lord chancellor and one of the chief justices; for the navy, the admiral and the master of the ordnance; for the treasury, the lord treasurer and the chancellor of the exchequer; while there were to be two dukes, two marquesses, two earls, two viscounts, and two barons.⁶ The councillors were named in the declaration, or received notice by letter.⁷ Altogether there were thirty-three of them.⁸

The new council assembled the following day. Immediately the news was carried about. The king proceeding to the house of lords addressed parliament: ⁹

My Lords and Gentlemen,

I thought it requisite to acquaint you with what I have done now this Day; which is, that I have established a new Privy Council, the constant Number of which shall never exceed Thirty.

I have made Choice of such Persons as are worthy and able to advise Me; and am resolved, in all My weighty and important Affairs, next to the Advice of My Great Council in Parliament (which I shall very often consult with), to be advised by this Privy Council.

I could not make so great a Change, without acquainting both Houses of Parliament.

Notice was inserted in the *Gazette*, and the declaration was published as a broadside, while numerous letters of the days following contain accounts and opinions of it.¹⁰ There was much wonder

⁴ Privy Council Register, lxviii, 21 April 1679.

⁵ *Ibid.*

⁶ Add. MS. 32520, fo. 251; *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, v. 55, 58; Privy Council Register, lxviii, 21 April 1679.

⁷ For the summons to Sir William Temple, see Add. MS. 9800, fo. 146.

⁸ Privy Council Register, lxviii, 21 April 1679.

⁹ *Lords' Journals*, xiii. 530.

¹⁰ *The London Gazette*, 24 April 1679; *His Majesties Declaration for the Dissolution of his late Privy-Council, and for Constituting a New one, made in the Council-Chamber at Whitehall, April the Twentieth, 1679.* By his Majesties special Command,

about the new plan, who was responsible for it, and what was the intention of the king. 'A greater change could hardly take place in the government of any State,' said the French ambassador, 'than that on which the King of England has resolved.'¹¹

This sudden dissolving of the council and establishing a new one with announcement of reform is the most interesting episode in the history of the privy council. The motives which caused it were concealed at the time, just as the preparations were shrouded in secrecy. It was not clearly understood then, and it has not been since. There has always been mystery as to the author of the scheme, why Charles furthered it, and what were the actual consequences. Since much information has not been available, speculation and theory have held their sway. Certain material which would explain all the doubtful things does not now exist, and it would seem that some of what the student most desires was never put upon record. Notwithstanding this, a completer study can now be undertaken.

The most ingenious and best known of the older theories is that of Macaulay in his essay on Sir William Temple in 1838. It was his opinion that the scheme was due altogether to Temple, who wished to save the king in his extremity, but who planned also a permanent change in the constitution. He believed that Temple, seeing with apprehension the continued encroachment of parliament upon the executive, and the uneasiness with which the king endured this, desired to establish a new body intermediate between parliament and the king and more effective than the old privy council. Parliament, properly the legislative, was, through its power of checking the executive, rapidly arrogating to itself all the functions of government. If some other body, partly controlled by the king, could be made to represent the great interests of the kingdom, and could be made also a check upon him, the people would be pleased, parliament would interfere less, and the king would endure the new control more willingly. So Macaulay found the solution in the words of Barillon, that the new council was a small assembly of estates.¹² In other words, that it was to be representative of all the important classes in the realm, so that it might take over some of the power and some of the functions of parliament, and become itself a miniature parlia-

London, 1679; *Rep. of Hist. MSS. Comm., Kenyon MSS.*, 14, iv. 112; *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, v. 55, 58.

¹¹ Christie, *Life of Shaftesbury*, vol. ii, app., p. cix, using Barillon's dispatch; see Transcripts from Paris (Baschet), xl, 1 May 1679 (n.s.).

¹² 'Monsieur Barillon said it was making *des États* [States] and not *des conseils* [councils]': Sir William Temple, 'Memoirs', *Works* (London, 1814), ii. 511. Professor R. Lodge, *Political History of England*, viii. 162, says: 'The best contemporary criticism was that of Barillon, who declared that it was not a council but an assembly of estates.' I see in the ambassador's words only an apt remark of little significance.

ment.¹³ Macaulay puts forward his hypothesis only as a conjecture; he cites no evidence whatsoever in support of it, and, so far as I know, in the immense mass of evidence now existing for the study of this period nothing can be found to substantiate it. His explanation, it is true, may be partly correct, but he bases his opinion upon the account given by Sir William Temple, who says nothing of all this, while the statesmen and politicians of the time, who made comments when the event took place, are equally silent. Rather, I think, the explanation is to be sought to some extent in the constitutional development of the period, but particularly in the political exigencies of the time when the change was made.

After the Restoration, as before 1649, the council that assisted the king in governing the country was the privy council, but the actual importance of this body had been steadily diminishing. The tendency which had begun in the days of Edward VI and Elizabeth, and continued under the Stuarts, had hastened its pace after the Restoration. The council, having become too large for ready decision and swift dispatch, was divided into committees, and the larger business handed over either to the most important of the committees or to a group of the king's favourite councillors meeting apart with the king. From 1660 to 1667 there had been the informal foreign committee, which Clarendon describes, and which Pepys refers to as the cabinet or cabal; from 1668 there had been the committee of foreign affairs, which continued to be stigmatized as the cabinet. Gradually all matters of real importance were first discussed in this smaller body, and more and more they were really decided there. Examination of the Privy Council Registers in connexion with the minutes of the committee of foreign affairs shows that although the council still gave formal approbation in greater affairs, those affairs were really brought to issue in the foreign committee, while the council busied itself with routine and detail.¹⁴ The result was that many of the members ceased attending meetings of the council, so that at the larger meetings there were usually about twenty present, though sometimes thirty came for graver matters; while, on the other hand, discontented courtiers and leaders in parliament, as well as those farther off who watched the governance of the kingdom, came to believe that the privy council was being reduced to impotence, and its power given to a secret body beyond the law and as yet not clearly understood.¹⁵ Again and again the

¹³ Macaulay, *Essays*, 'Sir William Temple'.

¹⁴ Compare, for example, *State Papers*, Foreign, Entry Books, Miscellaneous, clxxvii, 6, 9, 11, 14 March 1671/2, with *Privy Council Register*, lxi, 15 March 1671/2.

¹⁵ On 27 December 1678 Mr. Powle said: 'I have observed that, of late, those

commons objected to this, and made efforts to drive out ministers and bring the privy council under their control.¹⁶ 'I would have these men out of the Ministry,' said a speaker in 1678. 'In short, if these Officers be not removed, the King cannot have bread.' He was answered by one who remonstrated that the foreign ministers would say: 'Must we stay till the Parliament has put in a new Council?'¹⁷

In 1667 Pepys reports a conversation to the effect that the privy council knew nothing whatever about the state of the kingdom in regard to war or peace, nor who it was that directed policy.¹⁸ A few years later Sir William Coventry published a pamphlet in which he declared that the private cabal at White-hall engrossed all important business and withheld it from privy council and parliament.¹⁹ In 1678 members asserted in the house of commons that the troubles of the kingdom arose because the king acted on the advice of private ministers, who ought to be removed; that a cabinet had brought the nation into difficulties; that a cabal was not established by law.²⁰ At this time, when attacks were being made upon the duke of York, they were made also upon members of the cabinet.²¹ 'My Lord Treasurer was struck at, and some others of the Cabinet Council,' says Reresby, referring to a parliamentary address.²² While these designs were personal and political, they were also directed against the weakening of the privy council, a constitutional change which did not cease to be attacked until the reign of Anne. The discontent thus engendered might become a formidable factor in any political crisis.²³

A great crisis was now at hand. After the days of Worcester and the wanderings abroad, the lowest ebb of Charles's fortune was reached at the end of 1678. The causes which produced this had long been working, and contemporaries noticed them a decade before. In 1667 Pepys marvelled that 'a prince, come

things of the greatest moment are done without any Council at all; done in a corner. As for the Prorogation and the Dissolution of the last Parliament, there was not one word of the advice of the Privy Council in it. I fear no advice was asked': Grey's *Debates*, vi. 408.

¹⁶ Grey's *Debates*, v. 329, 332, 353, 357.

¹⁷ *Ibid.* pp. 353, 354.

¹⁸ *Diary*, 24 June 1667.

¹⁹ *England's Appeal from the Private Cabal at White-Hall to the Great Council of the Nation, &c.*, 1673.

²⁰ State Papers, Domestic, Charles II, ccccciii, 7 May 1678.

²¹ 'The cheife aime seemes to be agt the Duke, but is attended with designes also agt lesser ones, as myselfe and others of the Cabinet': The earl of Danby to Sir William Temple, 19 November 1678, Add. MS. 28054, fo. 196.

²² *Memoirs*, pp. 152, 153.

²³ For the activity of the committee of foreign affairs in 1678 see S. P. Dom., Entry Books, li, 6 April 1678; xliii, 30 July 1678; S. P. Dom., King William's Chest, i, 22 July 1678; S. P. Dom., Charles II, ccccevi, 28 September 1678; ccccevi, 30 November 1678.

in with all the love and prayers and good liking of his people, who have given greater signs of loyalty and willingness to serve him with their estates than ever was done by any people, hath lost all so soon, that it is a miracle what way a man could devise to lose so much in so little time'.²⁴ Shaftesbury and Arlington fell away from him, and he was harassed unceasingly by the commons. Then came the ruin and confusion of the popish plot in 1678. According to Barillon, at the beginning of the next year Charles sought assistance from France on any conditions which the king of France might name.²⁵ His friends had been driven off; his supporters seemed to abandon him. 'Even in the bed chamber of Lords and Grooms there were but very few that the King could confide in.'²⁶ Hastily summoned to England, Sir William Temple says: 'I never saw any man more sensible of the miserable condition of his affairs, than I found his Majesty.' 'He told me, he had none left, with whom he could so much as speak of them in confidence, since my Lord Treasurer's being gone.'²⁷ It was the opinion of Temple that Monmouth, Essex, and the duchess of Portsmouth had combined to remove Danby, and that Monmouth, Essex, and Sunderland were working with Shaftesbury, whom they were resolved to bring again into court.²⁸ 'The King certainly inclines not to be so stiff as formerly in advancing only those that exalt *Prerogative*,' wrote Algernon Sidney.²⁹ It was at this moment that Charles undertook to alter the constitution of the privy council and at the same time placate his opponents.

The scheme has been ascribed to Sir William Temple, principally because he himself claimed it. In his 'Memoirs', written a few years after,³⁰ he gives a full account of it. He wished to break the power of the king's opponents. The new parliament was every day more violent; but there was by this time so little authority in the Crown, that it would be dangerous to dissolve it and have no parliament until 'the present humours might cool'. He therefore conceived the idea of such a new council as might gain credit with parliament, by including its most influential leaders. There would thus be quiet for both king and people, and with such a council the king might with less danger dissolve parliament if necessary. 'This whole matter',

²⁴ *Diary*, 12 July 1667.

²⁵ Transcripts from Paris (Baschet), xl, 9, 12, 30 January, 16 February 1679 (n.s.). See Sir John Dalrymple, *Memoirs of Great Britain and Ireland*, &c. (Edinburgh, 1771), vol. ii, app., pp. 208, 209.

²⁶ *Memoirs of Thomas, Earl of Ailesbury* (Roxburghe Club, 1890), i. 38.

²⁷ Temple, 'Memoirs', *Works*, ii. 506, 507.

²⁸ *Ibid.* p. 507.

²⁹ *Letters* (London, 1742), p. 24.

³⁰ They were first published in 1691/2. The first authorized edition appeared in 1709.

he says, 'was consulted and deduced upon paper, only between the King and me, and lasted in the debate and digestion about a month.'³¹ Then he advised that it should be communicated to a few of the king's most intimate friends, and was bidden to reveal it to Sunderland, Essex, and the lord chancellor Finch, who were to keep the secret. Apparently Temple believed that he was solely responsible for the plan up to the time when Charles began to urge the inclusion of Shaftesbury.³² His account is explicit, and his good faith is evident.

Most of his contemporaries do not give the credit which he reserves for himself. Algernon Sidney, writing on the day when public announcement was made, says: 'A friend of yours and mine is, as far as I understand, the author of all this; and if he and two more can well agree amongst themselves, I believe they will have the management of almost all businesses'; and in another letter he explains that he meant Sunderland, Essex, and Halifax.³³ On the same day also Barillon sent a lengthy dispatch to Paris; he speaks of Monmouth, Sunderland, Holles, and the duchess of Portsmouth as promoting the plan and the negotiations with Shaftesbury, but not a word about Temple.³⁴ The duke of York in Brussels, watching English affairs with keenest interest, seemed not to be certainly informed, but was inclined to give credit to Monmouth and the duchess.³⁵ 'The Duke of Monmouth was believed to be at the bottom of these councils,' says Reresby.³⁶ Burnet says nothing about Temple,³⁷ while Lord Keeper Guilford seems to ascribe the scheme to Essex.³⁸ Van Beunigen, Dutch ambassador, writing to the States General, speaks of Holles, Shaftesbury, Monmouth, and the duchess of Portsmouth.³⁹ The tradition soon became established, however,

³¹ Temple, *Works*, ii. 507, 508, 509.

³² *Ibid.* p. 510.

³³ *Letters*, pp. 34, 35, 61.

³⁴ Transcripts from Paris (Baschet), xl, 1 May 1679 (n.s.); see Christie, *Life of Shaftesbury*, vol. ii, app., pp. cix, cx. It should be said that Barillon may not have been in close association with Temple, whom he regarded as in the Dutch interest: Transcripts, xl, 3, 13 July 1679.

³⁵ The duke of York to the prince of Orange, 8 May 1679, *Rep. of Hist. MSS. Comm.*, *Foljambe MSS.*, 15, v. 129.

³⁶ *Memoirs*, p. 167.

³⁷ *History of My Own Time* (ed. Osmund Airy), ii. 209.

³⁸ 'They were such a parliament, that the E. of Essex then in Employment in the treasury, & others of his faction abroad, did not thinck they would act in such a maner as should promote their projects, & never Rested till they had procured a dissolution. Whether it was designed or Not I know Not, but it succeeded, that upon these Men's Councill, the K Made a New Model of his Councill': Add. MS. 32520, fo. 250, 251.

³⁹ 'Deze notabele veranderinghe in het maniere van de zacchen van Staat werdt geseigt te wezen, voor zooveel de forme aengaet, een concept van mylord Holles, ende dat het by dese gelegendheid meest levendigh is gemaecht door den grave van Shaftsbury, ende dat myn heer den hertog van Monmouth, ende ooch mevrouwe de hertoginne van Portsmouth (zoo veele seggen zeccherlyck te weeten) gecontribueert hebben omme det jmaechelyck te macchen': Secret State Correspondence between England and the Netherlands, Add. MS. 17677, SSS, fo. 247.

that Sir William Temple was the author. 'This sudden short-lived turn always went by the name of sir William Temple's scheme,' says Dartmouth in a note written in his copy of Burnet,⁴⁰ while Speaker Onslow in the eighteenth century, also annotating Burnet, ascribes the entire plan to Temple.⁴¹ Most modern writers have adopted this view,⁴² though with some scepticism in recent years.

In criticism it may be said, on the one hand, that contemporaries who are silent about Temple or who ascribe the plan to others were at first not informed, because of the secrecy in which the preparations were made, and then saw rather the part taken by the great political leaders; on the other hand, that many who afterwards supported the pretensions of Temple apparently gave this support on the strength of his own testimony. In estimating Temple's activity it should not be forgotten that during this time he was distracted by private bereavement. Writing at the end of March a correspondent says: 'I cannot omitt telling your Excellency of the unhappy accident befallen Him, in the losse of His daughter who is dead of the Small pox.' And a month later Sir William appeals to one of his friends: 'For God sake lay none of my faults or neglects to my charge, that I have been guilty of to your Lordship since my coming over. I know there have come severall of your letters that I never answerd. . . . The truth is my heart is so broken with a blow I receaved in the most sensible parte of it, that I have done nothing since as I should doe, and I fear never shall againe.'⁴³ It may be observed in conclusion that two of his contemporaries do assert explicitly that the plan was Temple's. Sir Robert Southwell, well acquainted with the affairs of Whitehall, writing the day after the announcement, says: 'My Lord Sunderland seems to be in great trust, and Sir William Temple close in with him. The declaration, I am told, was of his drawing.'⁴⁴ The earl of Ailesbury, also a contemporary, and well informed, but writing his reminiscences half a century later, declares: 'My good friend Sir William Temple was truly in the interest of the Crown and the lawful succession . . . 'twas he that contrived a means to stop a breach of an old house ready to fall, and that was, by

⁴⁰ See Burnet, *History of His Own Time* (Oxford, 1833), ii. 203 n.

⁴¹ 'This change was his work, except the bringing in of the lord Shaftesbury' : *ibid.* But a pamphleteer writing shortly after this time a good account with excellent comments has nothing to say about Temple: *The Fatal Consequences of the Want of System in the Conduct of Public Affairs* (London, 1757), pp. 43-50.

⁴² T. P. Courtenay, *Memoirs of the Life, Works, and Correspondence of Sir William Temple* (London, 1836), ii. 34-44; Hallam, *Constitutional History of England* (ed. 1884), ii. 439-41; Ranke, *History of England* (Oxford, 1875), iv. 78.

⁴³ Letters of Roger Meredith and Temple to unnamed correspondents, S. P. Foreign, Holland, ccxv, 10 April, 2 May 1679 (n.s.).

⁴⁴ *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, iv. 505.

advising the king to dissolve his privy council . . . and to bring in a certain number of both houses, with a very few of the old ones.' ⁴⁵ Altogether it seems probable that some of the plan as Temple describes it originated with him, and that the formal and theoretical part of the work may really have been his. But it is not only probable from all that we know of Charles and the court, but also deducible from the evidence, that the scheming and the work of adjustment were done by the king and the principal politicians. Because much of this seems to have been done without his knowledge, and also because of his honest and naïve mind, Temple was inclined to exaggerate his share in the undertaking. ⁴⁶

That the motives which led to the adoption of the scheme were political rather than constitutional there can be no doubt, ⁴⁷ and Temple's own words afford corroboration. ⁴⁸ At the beginning of 1679 the position of Charles was as it had been in the early part of 1668, after the disasters of the Dutch war and the fall of Clarendon: his only hope lay in obtaining the support of those who opposed him. ⁴⁹ Barillon says that the change was made because the king's position was desperate, and in order that he might obtain the support of the commons; that Monmouth urged it, that Sunderland approved because he could no longer bear the weight of affairs alone, and that the duchess of Portsmouth through fear did not oppose it. ⁵⁰ Burnet declares that Charles was merely dismissing the creatures of Danby, and bringing in the chief men of both houses. ⁵¹ At a time when parliament believed that the council was more important than it really was, changes in the council as well as in the ministry

⁴⁵ *Memoirs of Thomas, Earl of Ailesbury*, i. 34.

⁴⁶ He himself declares that he was unfit for a court: *Works*, ii. 487; and Onslow notes that he 'was too honest for those times': Burnet, *History of His Own Time*, ii. 203 n.

⁴⁷ This was substantially the conclusion of Roger North, *Lives of the Norths* (ed. Jessopp, London, 1890), i. 234; of Dalrymple, *Memoirs*, i. 49; and of Miss H. C. Foxcroft, *Life of Halifax* (London, 1898), i. 145.

⁴⁸ *Works*, ii. 508-11.

⁴⁹ S. P. Dom., Charles II, ccxxxv, fo. 222.

⁵⁰ 'Je suis informé qu'il y a une negociation secrette depuis quelques jours entre les principaux chefs des caballes du Parlement et le Roy d'Angleterre; ce qui se traite iroit a changer entierement le conseil privé et la direction des finances et a mettre dans les premieres charges et dans l'administration des affaires les gens qui ont esté jusques a present les plus opposés a la cour. Ils promettent de leur part de faire en sorte que sa Majesté Britanique ait de l'argent suffisamment pour les necessités de l'Estat et pour ses besoins particuliers': Barillon to Louis XIV, Transcripts from Paris (Baschet), xl, 27 April 1679 (n.s.). See Christie, *Life of Shaftesbury*, ii. 326, 327. And a few days later he wrote: 'Ce prince a crû que c'estoit le seul moyen qui luy restoit pour éviter une ruine entiere, et que la satisfaction qu'il donne a ses peuples fera prendre a la chambre basse tous les expediens necessaires pour soutenir les despenses de l'Estat, on luy fait mesme esperer qu'il aura de l'argent en son particulier': Transcripts, xl, 1 May 1679 (n.s.).

⁵¹ *History of My Own Time* (ed. Airy), ii. 209.

were watched with interest,⁵² and changes to please the commons had been talked of before.⁵³ In 1668 Pepys speaks of a design to drop certain members of the council for the purpose of admitting some of the commons opposed to the king.⁵⁴ In 1679 Charles was attempting to engage some of his enemies by taking them into the council.⁵⁵

The reconstitution of the council probably involved less radical changes in personnel than would appear. In February 1679 the council contained forty-six members. After it was remodelled in April it contained thirty-three.⁵⁶ Twenty-two of the old council, or nearly half, went into the new body, making two-thirds of it. Some of those who were abandoned with the old council were prominent men like the duke of York or the earl of Danby, whom the king's enemies had overthrown, but others were inconsequential members who had previously had little weight. Those admitted new were either staunch upholders of the king, like North and Temple, or like Shaftesbury and Powle, opponents whom the king was compelled to placate. At a meeting held a fortnight before the change was made, Charles was present with twenty-eight members, of whom seventeen were retained in the reorganized council.⁵⁷ It has been conjectured that the king depended principally upon the fifteen official members,⁵⁸ but at least four of them had been leaders in the opposition; and of the lords and commoners it is estimated that ten or more had been conspicuous in the opposition.⁵⁹ Altogether, the larger part of the new council was made up of the king's opponents,⁶⁰ and this was afterwards seen to be so; but it must be remembered that nearly half of this part had been in the old council as well.

If the purpose of the scheme was political, the political results seemed disappointing. Temple always believed that the

⁵² 'The town talkes of great changes to bee amongst Our Ministers and in the Council': William Bridgman to Sir Joseph Williamson, S. P. Dom., Charles II, ccxxxvi, part i, 11 July 1673.

⁵³ In 1665 there is said to have been a plan to reconstitute the treasury, 'and that 3 should manage it, one Lord and two Commoners; and if it might be so, when the Parliament sits they would raise the King what money he pleased': *Rep. of Hist. MSS. Comm., De La Warr MSS.*, iv. 303.

⁵⁴ *Diary*, 5 January 1667/8.

⁵⁵ Ailesbury says that it was argued 'that these lords and gentlemen could not fly in the king's face openly as they did until called to council': *Memoirs of Thomas, Earl of Ailesbury*, i. 34, 35.

⁵⁶ Privy Council Register, lxvii, fo. i, ii; lxviii, 21 April 1679.

⁵⁷ Privy Council Register, lxvii, 9 April 1679.

⁵⁸ Temple says they 'were ever to be the present chief officers of his Crown and Household, who being all of his Majesty's known trust, as well as choice, would be sure to keep the council steady to the true interest of his Majesty and the Crown': *Works*, ii. 508.

⁵⁹ Christie, *Life of Shaftesbury*, ii. 324, 325.

⁶⁰ According to one authority, at least seventeen members belonged to the 'Country Party': H. C. Foxcroft, *Life of Halifax*, i. 149. The bias of some is not certainly known.

announcement was received with enthusiasm,⁶¹ and perhaps it was among ordinary folk in England and in some quarters abroad.⁶² He admits, however, that the commons received it coldly; and the records of parliament that day, as well as extant accounts of the proceedings, indicate that it was heard in thoughtful silence, with no encouragement expressed.⁶³ And when a few days after the change was alluded to in the commons, it was with suspicion and distrust.⁶⁴ 'I cannot but think that this . . . was to save themselves, and not for the good of the Nation . . . what good can we expect from it?' 'I fear this change of the Council has done us no great good; the old leaven is there still.'⁶⁵ Coventry believed it scarcely possible that the council could please king and parliament at the same time, and this was speedily seen to be the case.⁶⁶ Almost immediately the members who had formerly been opponents of the court divided sharply into those who, like Shaftesbury, continued outspoken opposition to distasteful proceedings,⁶⁷ and those who attempting to work with the king lost the countenance of the commons.⁶⁸ On the other hand, the supporters of the king felt that he had made a complete surrender to his enemies, that he had remodelled his council to suit his opponents, and that he had taken into his

⁶¹ 'When I acquainted them with it, they all received it with equal amazement and pleasure. My Lord Chancellor said, it looked like a thing from heaven, fallen into his Majesty's breast: Lord Essex, that it would leave the Parliament and the nation in the same dispositions to the King which he found at his coming in: and Lord Sunderland approved it as much as any.' He declares that there was general applause in the country, bonfires in the city, joy in Ireland, and warm approval in Holland: Temple, *Works*, ii. 509, 511.

⁶² 'There is great expectation of great advantage from this new change': Colonel Edward Cooke to Ormonde, 22 April 1679, *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, v. 56. 'All that I have yet spoken with, seem much pleased': Algernon Sidney to Henry Savile, 21 April 1679, *Letters*, p. 34. Barillon says: 'Mais les demonstrations de la joye publique n'ont pas esté aussi grandes qu'on l'esperoit. Le Maire de Londres ordonna qu'on fit des feux de joye le jour que le changement du conseil fust publié; ses ordres furent executés, mais ce ne fust pas avec beaucoup d'empressement, et il n'y eut pas un grand concours du peuple': Transcripts, xl, 4 May 1679 (n.s.).

⁶³ *Lords' Journals*, xiii. 530, 531; *Commons' Journals*, ix. 599, 600; Grey's *Debates*, vii. 129. On the other hand, according to Barillon, 'la chambre des communes a tesmoigné que la résolution prise par sa Majesté Brittanique pouvoit estre fort advantageous au Royaume dans les suites': Transcripts, xl, 4 May 1679 (n.s.).

⁶⁴ 'Are we come here to give Money, for some few new men being put into the Privy Council; and shall we do such things as we have done before? I hope the King will not leave one of the Council that was at the giving such advice as we have had. . . . It must not be the addition of four or five persons to the Council that will do it; it must be thoroughly done': Colonel Birch, 27 April 1679; Grey's *Debates*, vii. 144, 145.

⁶⁵ *Ibid.* vii. 197.

⁶⁶ *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, v. 57; Reresby. *Memoirs*, p. 168; Grey's *Debates*, vii. 265-78.

⁶⁷ Earl of Ossory to Ormonde, 22 April 1679, *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, v. 55; Barillon, dispatch, Transcripts, xl, 4 May 1679 (n.s.).

⁶⁸ Algernon Sidney to Henry Savile, 28 April 1679, *Letters*, p. 45.

service those who had been most zealous in thwarting him.⁶⁹ 'It is very certain that never was a Court seen of such a composition, and a melancholy sight for a true good subject to see.'⁷⁰ His brother was amazed that he cast aside 'so many of his truest servants, and put all his affairs into the hands of those who for so many years have oposed and obstructed', and thought 'all things tend to a Republique'.⁷¹ Charles seems to have been sceptical about the working of the body, and apparently he cared little what was said about it. Ailesbury relates that he intended 'the new council should sit only for form sake, and was not to be let into any one secret of State', and declares that the king told him that he had left his father out because he loved him. 'God's fish! they have put a set of men about me, but they shall know nothing.'⁷² But if the new council failed ultimately, if it was mistrusted by parliament and not trusted by the king, it did succeed in the most important thing for which it was brought into being: it must be reckoned as one of the principal means by which Charles, playing his part with patience and skill, was able to stay his misfortunes until reaction came in his favour.⁷³

The number of the new council was smaller. This attracted no great attention in 1679, but it was probably the one reform which Charles was sincere in attempting. That the number was fixed at thirty was based apparently upon the experience of many years previous. It seems to have been about as many as used to attend, and the largest number which could usually be expected. Before this time it was noticed that the council was too large to be effective. Pepys and Clarendon had both spoken of it, and Charles himself alluded to it in his declaration, though Temple says little about it in his account of the change. To this part of the plan alone the king remained constant, for at the end of his reign the number was apparently thirty-four, including the lord president and a secretary of state for Scotland.⁷⁴ Further, he seems to have been determined to make

⁶⁹ Add. MS. 32520, fo. 251. 'Les affaires vont estre entre les mains de ceux qui ont depuis quelques années tesmoigné ouvertement s'opposer a tous les desseins de la cour, et a toutes les volontés de sa Majesté Britanique': Barillon to Louis XIV, Transcripts, xl, 1 May 1679 (n.s.). See Christie, vol. ii, app., p. cx.

⁷⁰ *Memoirs of Thomas, Earl of Ailesbury*, i, 37.

⁷¹ The duke of York to the prince of Orange, 8, 11 May 1679, *Rep. of Hist. MSS. Comm.*, *Foljambe MSS.*, 15, v. 129.

⁷² *Memoirs of Thomas, Earl of Ailesbury*, i, 34, 35.

⁷³ 'Whereas the Faction intended to make a Property of him, he made sure Work in serving his own Turn upon them; but not without immense Hazards. . . . And, accordingly, by this very remarkable State Art, his Majesty, at Length, *post varios casus*, gained his End; which was, an Establishment of his Interest with his People': North, *Examen* (London, 1740), p. 77.

⁷⁴ Privy Council Register, lxx, June 1683 to January 1684/5.

a similar reform in the privy council of Ireland.⁷⁵ At one time he favoured reducing the Irish council to twenty, but afterwards gave orders that the lord lieutenant should select thirty for a new body. This project, however, was not regarded as important, and was soon lost to sight in the press of greater affairs.⁷⁶ In England the plan was abandoned after the death of Charles. In 1688 there were forty-five members.⁷⁷

Most of the other constitutional reforms may be dismissed briefly. Probably no one but Sir William Temple attached unusual importance to the idea of having the members of the council men of large property, or regarded this as much of an innovation; ⁷⁸ and Temple's own idea seems to have been partly that such a council might 'out of their own stock, and upon a pinch, furnish the King so far as to relieve some great necessity of the Crown'.⁷⁹ Filling the office of lord president was rather the revival of an old practice than the beginning of a new one. Frequently in the earlier Stuart period such an official had presided over the council, and also over the council of state during the interregnum.⁸⁰ During considerable periods, however, no such official was appointed, and this was the case in the years from the Restoration until 1679,⁸¹ though the possibility of such an appointment was always recognized.⁸² Now the dignity was revived for Shaftesbury to grace his return to royal favour; ⁸³ and thereafter the office was regularly filled. The most important

⁷⁵ 'It was ordered that Mr. Secy. Coventry should acquaint the Ld. Lieutent. of Ireland, that his Majty. intends to reduce the Number of the Privy Council in that Kingdom to Thirty, and to know what great officers his Grace thinks fit to be comprehended in that Number': *ibid.* lxxviii, 21 May 1679.

⁷⁶ Henry Coventry to Ormonde, 26 April 1679; Sir William Temple to Ormonde, 10 May 1679; Ormonde to Temple, 21 May 1679: *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, v. 65, 91, 92, 108, 109.

⁷⁷ Privy Council Register, lxxii, fo. 697.

⁷⁸ 'But one chief regard, necessary to this constitution, was that of the personal riches of this new council; which, in revenues of land or offices, was found to amount to about three hundred thousand pounds a year; whereas those of a House of Commons are seldom found to have exceeded four hundred thousand pounds. And authority is observed much to follow land': Temple, *Works*, ii. 508.

⁷⁹ *Ibid.* pp. 508, 509.

⁸⁰ Privy Council Register, xxxi (1620)—xl (1631); apparently the office was vacant during the other years of James I and of Charles I, though for the earliest years the Registers are wanting: *Rep. of Hist. MSS. Comm., Leyborne-Popham MSS.*, p. 111.

⁸¹ Privy Council Register, liv—lxvii.

⁸² In 1673 it was arranged that orders of council were to be referred to certain councillors, among whom the 'President of the Council (if any be)': *ibid.* lxiv, 23 May 1673.

⁸³ 'La qualité qu'on donne a Milord Schafferri de President du Conseil est accompagnée de quatre mille pieces de pension, son rang est immédiatement apres Mr. le Chancelier, c'est a dire devant tous les Ducs et les autres grands officiers; cette place n'a point esté remplie depuis le retour de sa Majesté Britanique, mais elle a esté dans tous les autres temps tres importante': Barillon to Louis XIV, Transcripts, xl, 1 May 1679 (n.s.). See Christie, vol. ii, app., p. cix.

reform promised, the abolition of secret committees and cabinet government, is best understood in connexion with the new council itself.

The Privy Council Registers show little difference in business and procedure between the old council and the new. The members continued to assemble frequently in Whitehall or in Hampton Court. There were many meetings of twenty or more, and also many of six or seven or eight or ten. Usually the king was present. Charles had declared that 'he would have all his affaires here debated freely, of what kind soever they were', and so use no other council.⁸⁴ For a time this was believed.⁸⁵ The record shows, however, that the business continued to be what it had been before the change: the consideration and dispatching of matters relating to domestic, admiralty, Irish, and colonial affairs, the issuing of declarations, and some superintendence of foreign affairs. The larger part was always detail and administrative routine.⁸⁶

Charles made little attempt to give to the new council the importance in government which he had promised. Perhaps he had never intended to do this; it may be that he came at once to see that it could not be done. It was, however, no violation of his promise to transact business in the council that he immediately divided it into committees, for the committee system had proved indispensable both before and since the Restoration. On the day after the new council was established, four standing committees were appointed: 'For Intelligence', 'For Ireland', 'For Tangier', and 'For Trade & Plantations'.⁸⁷ The membership was respectively nine, ten, thirteen, and twenty-two, a quorum being three in each case. But certain important persons formed the nucleus of each committee, while the two secretaries of state might always attend any of them. This was one of the ways in which the old council had lost power to a few of its members.

The most important promise which the king had made, and apparently that which contemporaries regarded as the most important, was his declaration that he would employ his whole council in the conduct of affairs, and not a cabinet council. There is little doubt that he intended to break this pledge. He had from the first 'rather esteemed some particular members of it than was inclined to believe that the body of it ought to receive a reverence from the people, or be looked upon as a vital

⁸⁴ Privy Council Register, lxviii, 21 April 1679.

⁸⁵ 'Le conseil doit prendre connoissance de toutes les affaires du dedans et de celles du dehors, il ne s'en tiendra point d'autre, et ce qui s'appelloit le conseil du cabinet sera entierement aboly': Barillon to Louis XIV, Transcripts, xl, 1 May 1679 (n.s.). See Christie, vol. ii, app., p. cix.

⁸⁶ Privy Council Registers, lxviii, lxix.

⁸⁷ *Ibid.* lxviii, 22 April 1679.

part of the government'.⁸⁸ In his declaration the king had lamented the former necessity of using interior councils, and said that 'Hee hath resolved to lay aside the use he may have hitherto made of any single Ministry, or private Advices, or forreigne Committees for the Generall Direction of His Affaires'.⁸⁹ Barillon immediately wrote to France: 'He will have no other Council, and what was called the Cabinet Council will be entirely abolished.'⁹⁰ Two days before, Sir Robert Southwell, learning what was to be done, made a note, 'That the Council be reduced to such a number and so composed as not to need any Cabinet of such model as hath been before';⁹¹ but on the same day he wrote to a friend, 'That a select Committee as well for the foreign as home affairs of the greatest importance shall hereafter sit in the Council chamber'.⁹² On 22 April, the first day of meeting after the council was constituted, the king appointed the lord chancellor, the lord president, the lord chamberlain, Monmouth, Sunderland, Essex, Halifax, Coventry, and Temple, 'or any three of them (a Secretary of State being alwayes one) to be a Committee for Intelligence, for the opening, & considering all Advices, as well forreigne, as Domestique', to meet where and as often as they might think fit.⁹³

The establishment of this committee of intelligence is interesting because it marks one of the steps in the development from government by king and privy council to cabinet government. The king would have no more foreign committees, he said, but the minutes of the new body show that it was to a great extent the old committee of foreign affairs under a new name,⁹⁴ and for some time contemporaries continue to speak of a foreign committee.⁹⁵ It was intended, moreover, to be a secret body, and so was much like those cabinets which had aroused enmity in the years before.⁹⁶ The committee of intelligence was primarily a committee for foreign business, but it managed also important affairs of every kind. It was actually a smaller council of important members for the preliminary consideration of council business. It met for some time with sufficient regularity once or twice a week,

⁸⁸ *The Life of Edward, Earl of Clarendon, in which is included a Continuation of his History of the Grand Rebellion* (Oxford, 1857), ii. 296, 297.

⁸⁹ Privy Council Register, lxxviii, 21 April 1679.

⁹⁰ Christie, *Life of Shaftesbury*, vol. ii, app., p. cix. See above, n. 85.

⁹¹ 'Memorandum on Public Affairs', 19 April 1679, *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, vol. iv, p. xx.

⁹² Sir Robert Southwell to the duke of Ormonde, 19 April 1679, *ibid.* p. 504.

⁹³ Privy Council Register, lxxviii, 22 April 1679.

⁹⁴ Register of the Committee of Intelligence, 1679-82, Add. MS. 15643.

⁹⁵ S. P. Dom., Entry Books, lxxviii, 30 November 1680, 4 January 1680/1, 25 February 1681/2; *Rep. of Hist. MSS. Comm., Graham MSS.*, vii. 357.

⁹⁶ Southwell speaks of it as that committee 'which will be for secret affairs': *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, iv. 504.

usually in Whitehall, sometimes at Windsor or at Hampton Court. The attendance was good, and there were numerous meetings of seven or eight or nine or more.⁹⁷ Almost always the king was present. Occasionally outsiders were called in. Careful minutes of the business were kept and also the names of those who attended. There was no little debate and discussion, with actual consideration and real activity.⁹⁸ Sometimes matters were referred to two or more members, who were to report to the committee afterwards; again most of the members were appointed a special committee to deal with some particular affair; sometimes business was referred directly to other committees of the council.⁹⁹ The members dealt with foreign relations, treaties, instructions to ambassadors, and information from abroad; but they considered also matters relating to Ireland, the colonies, the fleet, the granting of passes, the announcing of appointments, and domestic concerns in general. Important questions of policy and the relations with parliament were here taken up and considered,¹⁰⁰ and drafts of the king's speeches were written out and decided upon.¹⁰¹ The things determined in committee were referred to the council itself,¹⁰² though here, as in the case of the foreign committee before 1679, there was a tendency to refer what the committee had really decided to the council, which decided as the committee proposed.¹⁰³ Frequently the committee decided things of which no mention is made in the Council Registers. On one occasion, at least, the members after attending to business sat as a council themselves.¹⁰⁴

The committee never possessed, however, as much of the confidence of the king as he had given to the foreign committee, since it included some of his enemies and some who were not his staunch supporters. The year 1679, therefore, is important in the development of the cabinet. Down to that time the cabinet had been either an informal committee of the privy council,

⁹⁷ On one occasion a meeting was postponed because of the absence of the lord chancellor, the lord president, and the earl of Essex: S. P. Dom., Entry Books, lxii, 7 June 1680.

⁹⁸ Add. MS. 15643.

⁹⁹ *Ibid.* fo. 27; Privy Council Register, lxxviii, 24 July 1679; Add. MS. 15643, fo. 12.

¹⁰⁰ 'The petition of the severall Lords for the parliament not to meet att Oxford, being read, a debate arose concerning publishing a declaration concerning the late dissolution, but nothing was agreed upon': Add. MS. 15643, fo. 48. The declaration was issued two months later: Privy Council Register, lxxix, 8 April 1681.

¹⁰¹ 'A speech agreed upon for the King to speake to both houses of parliament': Add. MS. 15643, fo. 45.

¹⁰² Add. MS. 15643, fo. 2; Privy Council Register, lxxviii, 21 May 1679.

¹⁰³ Add. MS. 15643, fo. 9; Privy Council Register, lxxviii, 20 June 1679. Add. MS. 15643, fo. 48, 49; Privy Council Register, lxxix, 30 January, 2 February 1680/1.

¹⁰⁴ Add. MS. 15643, fo. 48; Privy Council Register, lxxix, 30 January 1680/1.

such as Clarendon's foreign committee, or an actual standing committee of the council, such as the committee of foreign affairs established in 1668. From this time on, however, the cabinet tended rather to be a secret meeting of the king's friends, members of the privy council, it is true, and perhaps even of its important committee, but assembling apart rather as his intimate advisers than as privy councillors or members of any committee. According to Temple, this began almost immediately with Sunderland, Essex, and himself: 'So we met, for a while, once a day by turns, at each of our houses, and consulted upon the chief affairs that were then on the anvil, and how they might be best prepared for the Parliament or the Council.'¹⁰⁵ Halifax was soon included, and sometimes Monmouth and Shaftesbury, though these last were not desired, and shortly ceased to come. It is evident that Temple considered these private meetings more important than the committee of intelligence, to which he merely alludes.¹⁰⁶ They were, it is true, rather prototypes of the private meetings of ministers of the eighteenth century,¹⁰⁷ but when the king's enemies were excluded, and when those who remained met in his presence, there were cabinet meetings once more.¹⁰⁸

Soon allusions to the cabinet become frequent, and one of the king's friends speaks of being admitted to that body and into the most secret recesses of the king's councils.¹⁰⁹ During these years there is no doubt that the cabinet was regarded as a body distinct from the committee of intelligence or foreign affairs. Roger North, describing the experiences of his brother, says: 'Although he was for the most part at the committees of the privy council, as for trade and plantations, &c., which might be called English business, he never cared to attend at the committee for foreign affairs';¹¹⁰ but he explicitly states that the lord keeper was a member of the cabinet, and that cabinet meetings were held regularly on Sunday evenings.¹¹¹ That the cabinet was not now looked upon as a committee, formal or informal, of the privy council receives corroboration again from North, who, well informed as to these years, says: 'The cabinet council . . . at first was but in the nature of a private conversation.'¹¹² It should be said, however, that the relation between cabinet and privy council became again for a long time not unlike what it had been before. After 1688 cabinet councillors met frequently as lords of the committee of council. The tortuous and well-nigh obliterated paths by which the student traverses this field

¹⁰⁵ Temple, *Works*, ii. 514.

¹⁰⁶ *Ibid.* pp. 514-18.

¹⁰⁷ See my paper on 'The Development of the Cabinet, 1688-1760', part ii, in the *American Historical Review*, xix. 35-9.

¹⁰⁸ North, *Lives of the Norths*, i. 300.

¹⁰⁹ Add. MS. 32520, fo. 251.

¹¹⁰ North, *Lives of the Norths*, i. 328.

¹¹¹ *Ibid.* pp. 300, 309.

¹¹² *Ibid.* p. 299.

scarcely suffice to reveal his way certainly; but it would appear that members of the cabinet, meeting for the preparation of council business or the transaction of council affairs, regarded themselves as an informal committee of council, and as time went on, in this capacity, merged into the committee of the whole council: though along with all this went increasing divergence of cabinet and committee, with the cabinet always increasing and council and committee ever waning in power.

What remains to be told of the new-modelled council is soon told. It had been created for political purposes, and as the year went on, with Charles gradually gaining strength, and his enemies, though not knowing it, slowly losing support, the council became in his eyes of no more importance than it had been previously, and his promises were neglected or forgotten.¹¹³ Monmouth quarrelled with Essex; Shaftesbury with Halifax. Temple afterwards thought that the inclusion of Shaftesbury in the council ruined the scheme,¹¹⁴ and Charles has been accused of thus deliberately frustrating the plan which he had sanctioned; but his motive was more probably the desire to win over his enemy for the time being.¹¹⁵ At all events the lord president discovered soon that he had no real influence in the council over which he was called to preside. He seems to have entered in good faith, but he made it clear from the first that he would only continue in his new duties if the king kept his promises. He had as his ideal the establishing of the supremacy of parliament over council.¹¹⁶ Soon he despaired of bringing this about, and once more turned to the commons. 'There was no need of holding a candle to the King's face,' he said, 'for his intent was visible by his actions.'¹¹⁷

Charles proceeded from indifference to studied neglect. In Brussels James was writing frantically that now was the time to save the monarchy, 'but if he parts with any Thing more, he

¹¹³ Barillon, who gives a detailed account of the new council at the time of its establishment, soon ceases to mention it at all.

¹¹⁴ *Works*, ii. 510.

¹¹⁵ Concerning the return of Shaftesbury to royal favour Barillon says: 'Ce n'est pas sans beaucoup de repugnance que ce Prince a pris cette resolution, on luy a representé la necessité où il est de prendre le seul party qui luy reste pour ne pas tout perdre, on luy a allegué l'exemple du comte de Stratsfort qui avoit esté eslevé a la faveur et au ministere apres avoir esté un des plus eschaufés de la chambre basse. On n'a pas oublié de luy représenter aussi que le comte de Dambi n'est parvenu au pouvoir qu'il avoit qu'apres avoir esté longtemps opposé a tout ce que la cour desiroit': *Transcripts*, xl, 1 May 1679 (n.s.).

¹¹⁶ At a meeting he opposed the raising of new forces for Scotland unless 'the King would promise to call both the Parliaments of England and Scotland within forty days, that so they might approve of what the Council should direct in this interval, for he would (he said) never undertake to act as a representative of the people in that Council': *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, v. 136.

¹¹⁷ *Ibid.* p. 119.

is gone'.¹¹⁸ Blow after blow was struck. On 27 May parliament was unexpectedly prorogued without the advice of council, and directly against its opinion, so that Temple lamented that it had been done.¹¹⁹ In July Charles declared his resolution to dissolve parliament. Again he took no notice of the wishes of the council, despite the protest of the lord president, saying, 'that in matters of this nature, which were so plain, and wherein he was so fully convinced, as of the necessity of dissolving this Parliament, he could not divest himself of that power of resolving without the plurality of votes in the Council, and that he would in other things hearken as much as any other prince had done to his council'.¹²⁰ The duke of York, still abroad but eager to return, urged that Charles should go farther still. He feared that the king might consider the views of the council, 'who have already begun and will absolutely make him a Duke of Venice'.¹²¹ In October James was permitted to pass into Scotland, though Shaftesbury declared that it was the worst counsel that ever was given to his majesty, and said, 'he was sorry they were made so useless and to remember that it was otherwise promised in the late declaration touching the Council'.¹²² A few days after Shaftesbury's name was struck from the book of the council.¹²³

In October Charles prorogued his second short parliament, again to the dismay of the councillors. Even Temple remonstrated now. Let the king make a new council of twenty or ten or five, if he would, but let it be such a one that he would hear advice from the councillors.¹²⁴ By this time Charles was refusing to let matters come to debate, and the council leaders were fast losing heart.¹²⁵ The king's opponents 'were slighted every day

¹¹⁸ Duke of York to Dartmouth, 28 May 1679, Add. MS. 18447, fo. 8, 9.

¹¹⁹ 'No man will avow having been the King's Counsellor in this business; and some wonder, that his Majesty in constituting the privy Council, having promised that he would have no cabinet Council, but that he would in all things follow their advices, next unto those of his great Council the Parliament, should so suddenly prorogue that great Council, without so much as asking the other': Algernon Sidney to Henry Savile, 2 June 1679, *Letters*, pp. 78, 79; Temple, *Works*, ii. 519.

¹²⁰ *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, iv. 530. The king 'did declare his pleasure accordingly without further asking their opinions concerning it. The first of the Lords that spoke was my Lord President, who said that altho' his opinion was not asked, and that he should always submit to His Majesty's determinations, yet he could not but discharge his conscience in representing the evil consequences of this resolution, and that the world would very much take notice of His Majesty's late declaration, where he promised to do nothing without the advice of his Council; notwithstanding which His Majesty had not only prorogued the Parliament without their advice, but had proceeded to a dissolution against it': Sir Robert Southwell to the duke of Ormonde, *ibid.*

¹²¹ Duke of York to Lord Dartmouth, 22 July 1679, Add. MS. 18447, fo. 11.

¹²² Southwell to Ormonde, 10 October 1679, *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, iv. 542.

¹²³ *The London Gazette*, 16 October 1679.

¹²⁴ Temple, *Works*, ii. 536-8.

¹²⁵ 'Our scene is quite changed since I went into England. . . . My Lord of Essex

more and more', and, 'as the king foresaw, desired leave to retire from council'.¹²⁶ At the beginning of 1680 Russell, Cavendish, Capel, and Powle withdrew abruptly.¹²⁷ Their departure marked the end of the king's attempt to make the council pleasing to parliament. During Charles's time the privy council continued to be limited in membership, as was promised, and under a lord president, but it no longer represented in any way the wishes of parliament, and it no longer had much share in actual governing, which had passed again to the cabinet. And so the experiment was at an end. It was not a hopeless experiment, as has sometimes been said, nor obviously doctrinaire and unpractical, but an attempt made in conformity with the best understanding of the time. It was doomed to failure because of political circumstances, because parliament was attempting to control king and council before the king had really lost his power,¹²⁸ and because, after all, council was yielding to cabinet, a fact more clearly seen now than it could be then.

Such was the reformation of the privy council in 1679. Apparently the plan was drawn up in form by Sir William Temple, and it was founded less upon theory than the actual experience and necessity of the immediate past. It was forwarded by Charles in the hope, it may be, of making reforms pleasing to parliament, but principally for political ends in a period of distress. When his fortune changed, the king forgot his promises and abandoned the scheme, leaving his council nearly as before. The importance of the episode is in the history of the cabinet. If success had come to the plan as Temple describes it, cabinet and prime minister would have been unnecessary; but failing, it marked the necessity of such organization in England as the government of England was then developing.

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hath thought of quitting. . . . My Lord Halifax is . . . out of humour, and sometimes talks of retiring. . . . Sir William Temple stays at Shene, and never comes to Councils. . . . This is very different to what was four months ago. What will be the next change, God only knows!': Henry Sidney to the prince of Orange, 10 November 1679; Sidney, *Diary and Correspondence of the Times of Charles the Second* (London, 1843), i. 183.

¹²⁶ *Memoirs of Thomas, Earl of Ailesbury*, i. 41.

¹²⁷ *Rep. of Hist. MSS. Comm., Ormonde MSS.*, new series, v. 270, 271.

¹²⁸ 'They doubted not but the King would hearken to good Counsel, if there were any Persons near him, that would advise him. This was the popular Cant in Place there. *Very well; be it so*, said the King, *come, be Counsellors yourselves, and offer what you think fit, by Way of Advice, in Council*. One would think this had been a fair Step toward satisfying them. No, that would not do; their Counsel must not only be given, but taken. It was not Counselling, but Ruling, they came for': North, *Examen*, p. 78.

Notes and Documents

The Status of the Welsh in the Laws of Ine

THERE is one initial difficulty to be faced in dealing with the Laws of Ine, namely, that it is impossible to say how far the form in which they have been preserved may differ from the form in which they were issued. Two centuries elapsed between their earliest appearance and their redaction by Alfred, who may have altered them, consciously¹ or unconsciously, in the mere process of handling. Moreover, the oldest version, dated by Dr. Liebermann 891-924,² shows signs of manipulation on the part of the copyist. Rubrics and annotations have slipped into the text; and though some have been detected and expelled, yet others may still lie concealed.

None the less, when the code is taken as a whole, it seems improbable that the alterations are serious. Dr. Liebermann, dealing in turn with the form, the language, and the content of the laws, is satisfied that they are what they profess to be.³ And it may be added that in the case of some clauses the presumption of authenticity amounts almost to certainty. The provisions concerning the Damnonian Welsh are a case in point. First, as examination shows, they hang so well together that they seem the outcome of a settled line of policy; secondly, it is difficult to see how the author of that policy can have been any one else than Ine. Alfred could have no motive for altering his predecessor's enactments about a racial problem which had lost all importance. The relations between Wessex and the Welsh of Damnonia were no longer called in question: in Alfred's day the attention of West Saxon statesmen was directed towards the Northmen. On the whole, then, there would seem particularly good reason

¹ Dr. Liebermann, in his paper *Ueber die Gesetze Ines*, p. 28 (*Mélanges d'Histoire offerts à M. Charles Bémont*, Paris, 1913) denies that Alfred made any deliberate alterations. But the first part of the Prologue, 49. 9 (Liebermann, *Gesetze der Angelsachsen*, i. 46, 47) seems to show that while Alfred did not set down 'many things of his own', yet he reserved to himself the right of 'commanding otherwise to be held' the 'things which liked him not'; and this declaration is not cancelled by the clause mentioning Ine, Offa, and Aethelberht.

² Liebermann, *Ueber die Gesetze Ines*, pp. 28, 29.

³ *Ibid.* pp. 24-7.

for believing that we possess these provisions substantially in the form in which they were issued.

The date of that issue is not hard to fix with approximate accuracy. Ine succeeded to the throne in 688, and when the laws were issued St. Eorcenwold, bishop of London, was still living.⁴ The commonly accepted date for the saint's death is 693 or 694.⁵ Dr. Liebermann, in his *Gesetze der Angelsachsen*, was in favour of 695 :⁶ but in a more recent paper he reverts to the traditional 693-4.⁷ We know in the first place that St. Eorcenwold was commemorated on April 30 : and although the day itself may not correspond exactly with his death, it is natural to suppose that he died some time in the course of that month. The last genuine document in which he is mentioned is dated in March ; and, according to Kemble, may belong to 692 or 693.⁸ Here he signs along with King Sebba of Essex. Now when Sebba, who succeeded in 664, had finished his thirty years of rule,⁹ and had retired to the shelter of a monastery, St. Eorcenwold was dead, and his successor Waldhere already installed.¹⁰ Considering the delay which commonly attended the filling of a vacant see and the installation of a new prelate, it is probable that St. Eorcenwold was not alive in 694 at all. As the choice lies between 692, 693, and 694, the chances seem to favour 692 or 693. And as the document already mentioned is dated in March, it would agree equally well with either year. On the whole, then, it seems probable that the laws were issued some time between 688 and 693.

Is it possible to fix the date with greater precision ?¹¹ Two considerations are sometimes adduced in favour of the theory that the laws were issued at the very end of this period of five years. In the first place Ine is known to have spent the early part of his reign warring in Kent and Sussex, reaping the harvest of trouble sown for him by his predecessor Ceadwalla ;¹² and it is assumed that only after the conclusion of the struggle would he have leisure for legislative activity. Secondly, the proprietary attitude adopted towards St. Eorcenwold, in the preface, is said to show that when the laws were issued Ine was master of Eorcen-

⁴ Liebermann, *Gesetze*, i. 88-9.

⁵ *Dictionary of National Biography*, s. v. ; Le Neve, *Fasti Eccl. Angl.*

⁶ ii. 523.

⁷ *Ueber die Gesetze Ines*, pp. 32-3.

⁸ Kemble, *Codex Diplomaticus*, xxxv.

⁹ Bede, *Historia Ecclesiastica* (ed. Plummer), iv. 11.

¹⁰ *Ibid.* iii. 30.

¹¹ Dr. Liebermann is satisfied with the five-year period. Of the older authorities, Thorpe, *Ancient Laws*, i. 103, makes no attempt to determine the date, while Schmid, *Gesetze der Angelsachsen* (1858), xxxvii, thinks that the issue may have taken place after the war with Kent, but is unwilling to press the point. On the other hand, Professor Oman, *England before the Norman Conquest*, p. 328, seems convinced that 693 is the right date, and Mr. Plummer, *Bede*, ii. 217, gives the limits as 690-3 without assigning any reason.

¹² Bede, *op. cit.* iv. 15, 16 ; *Anglo-Saxon Chronicle* (Laud MS.), s. a. 686-94.

wold's see, and therefore that he had successfully concluded his wars in the east. But in neither case does the fact warrant the inference. To take the second argument first, there is no reason to think that because Ine spoke of St. Eorcenwold as *mines biscepes*, he must have been master of London. Dr. Liebermann, in his recent paper,¹³ gives examples of the employment of these words in connexions which forbid any such proprietary interpretation. But if 'my bishop' does imply anything more than common form, there is no need to look to London to find a link between king and prelate. St. Eorcenwold was founder of Chertsey Abbey,¹⁴ and this alone would have brought him into intimate relations with the king within whose boundaries the house was situated. Moreover, even if it be assumed that Ine was master of London when the laws were issued, it is still impossible to argue from this fact to the date. There is no reason why a king of the West Saxons should not have been supreme in the East Saxon capital long before he had completed the subjugation of Kent.

The first argument is little more convincing. To begin with, the Chronicle gives 694 as the year when the struggle with Kent was concluded, and we have seen some reason for thinking that the laws were probably not issued later than 693. Next, Ine's preface seems to point at least as clearly to the beginning as to the end of the period 688-93. Whether the phrase *be ðam stapole ures rices* be a traditional form or not, it well expresses the intention of the legislator as discoverable in the preface as a whole. Apparently there has been oppression and perversion of justice in the past: officials are warned not to nullify enactments intended to be remedial. There is no word, either here or elsewhere, as to the disorders of any recent struggle; and whether the *argumentum ex silentio* can be pressed or not, there is at least nothing improbable in the suggestion that the laws were issued rather to prepare Wessex for the coming conflict than to heal her wounds after the war had been ended. Further, some light may be thrown upon the value of this suggestion by an examination of the provisions concerning the Welsh; for it is reasonable to conclude that Ine's attitude towards the alien population in his western dominions would depend, at any given moment, very largely upon his ability or inability to suppress a revolutionary movement on their part. If his whole attitude in the laws is marked by concession and redress of grievances, we may be sure that his hands are tied by war or by a prospect of war upon his eastern frontier. In either case, there will be some grounds for believing that the laws were issued at the very beginning of his reign, say in 688 or 689, when his domestic difficulties were hardly adjusted, and foreign affairs were threatening serious trouble.

¹³ pp. 33, 34.

¹⁴ Bede, *op. cit.* iv. 6.

The first and most important question in the relations between Welsh and Saxons¹⁵ concerned the land. Had the original inhabitants been dispossessed in favour of new-comers, or did they merely suffer a reduction of status, becoming tenants where once they had been lords? While it would be dangerous to assert that the latter alternative was invariably adopted, it is plain that it is the one which the legislator has in mind. In many cases, tracts of territory had been granted by West Saxon kings to members of the *gesithcund* class, on condition that a certain proportion of the whole area was peopled and kept under cultivation. A man who received 20 hides must show 12 hides of 'settled' land;¹⁶ the standard grant of 10 hides, taken as the unit of *gafol*-assessment, necessitated the 'settling' of 6 hides;¹⁷ a grant of 3 hides required $1\frac{1}{2}$.¹⁸ In most cases there would seem to have been a Welsh population on this land; for it is mainly with reference to landed property that the Welsh are divided into grades. Of five recognized ranks one only is independent of property qualification. At the head of the scale comes the substantial landowner with a 5-hide estate.¹⁹ Evidently a considerable personage, with numerous dependants who cultivated his land, he is admitted to the sixhynde class. Had he been a Saxon he would be twelfthhynde; but his foreign blood halves his status. Next in rank comes a man who owes his position, not to property, but to the prestige attaching to the royal service. 'The king's horse-Welshman who goes upon errands' is twyhynde, and thus stands on an equality with the ordinary Saxon freeman.²⁰ Next below comes the person who is regarded in some sort as typical: the Welshman who holds one hide of land, cultivates it by the labour of himself and his dependants, and pays *gafol* to some lord for it.²¹ His *wergild* is 120 shillings, as against the 200 shillings of the Saxon occupying land assessed at the same figure. The son of such a Welshman is accorded a *wergild* of 100 shillings—a provision which seems to imply some official recognition of social distinctions among the subject people. Lower down still come two further classes: the small Welsh farmer with half a hide of land, whose *wergild* is 80 shillings, and the landless man, who is valued at 60 shillings only, and ranks as a *peow*.²²

It is natural to suppose, with Professor Vinogradoff, that the Welsh landholders held their estates as the dependants of Saxon

¹⁵ Among modern authorities see particularly Vinogradoff, *The Growth of the Manor*, II. i. 2; Chadwick, *Studies*, pp. 91 ff., 103 ff.; Seebohm, *Tribal Custom in Anglo-Saxon Law* (ed. 1911), pp. 396-406.

¹⁷ Ine, 70. 1; 65. Cf. Vinogradoff, *loc. cit.*

¹⁶ Ine, 66.

¹⁸ Ine, 64.

¹⁹ Ine, 65.

²⁰ Ine, 33. The English *radenht*, whose service appears to have been the same, was seemingly recognized, at any rate a little later, as sixhynde. Cf. Chadwick, *Studies*, p. 93.

²¹ Ine, 23. 3; 32.

²² Ine, 32.

lords. It is this dependent population which Ine was concerned to protect. We have no means of finding out whether the Welsh tenant had hitherto held at his lord's pleasure : but it is certain that from the time of Ine's code he was to some extent protected. The exactions to which a Welsh *gafolgelda* was liable appear to have consisted of dues and services. Among the former were reckoned, in addition to *gafol* proper, certain incidental payments. Two at least were now defined by Ine, and defined in a manner which must have made extortion difficult. The *beregafol*, a *per capita* exaction in kind assessed upon the number of reapers employed at harvest time, was fixed at six *waegas*.²³ The value of the *gafolhwitel*, or tribute-cloth, was settled at sixpence from each hide.²⁴ In addition, the *gafol* itself was to some extent defined by a careful estimate of the rent in kind which might be exacted from any given 10-hide estate : 'ten vats of honey, three hundred loaves, twelve ambers of Welsh beer, thirty ambers of clear ale, two full-grown oxen or ten wethers, ten geese, twenty hens, ten cheeses, one amber of butter, five salmon, twenty *waegas* of hay, one hundred eels.'²⁵ Such a list, it is natural to suppose, was the joint render of a number of small holdings, collected for the lord's use by a land-agent.

| In regard to labour services, our information is much less precise ; but there is no reason to doubt that Professor Vinogradoff is right in thinking that great Saxon landowners, living on conquered territory, got their cultivation done for them through smaller landowners, who might probably be either Saxon or Welsh. The actual *praedial* labour would fall to Welsh *peows*. As to the quantity or incidence of such labour we know nothing. It seems that no *gafolgelda* could be forced against his will to render labour service in addition to the *gafol* which he had covenanted to pay for his land. He might, if he chose, recede from the bargain altogether, and depart elsewhere.²⁶ To this rule there was, however, one exception. The *gafolgelda* who had accepted a house (*botl*) with his holding was more completely under the control of his lord, and might be compelled to render *praedial* service which fell outside the original agreement.

The most noteworthy feature of these provisions is rather that a position of some kind was found for the Welsh within the West Saxon polity than that this position was one of inferiority. As a conquered people the Welsh must have been pretty much at the mercy of the victors. And yet here, at any rate, they seem to be treated in very tolerable fashion : they are left on their lands, and their services are not subject entirely to the caprice of their Saxon masters. And if the provisions concerning legal

²³ Ine, 59, 1.²⁵ Ine, 70, 1.²⁴ Ine, 44, 1.²⁶ Ine, 67.

processes be examined, it will appear that the treatment of the Welsh is not ungenerous. The Welshman is allowed to make use of the system of oath-helping to free himself from accusations even of the gravest kind; ²⁷ he may sue and be sued in the ordinary courts. An accusation of cattle-stealing or of harbouring stolen goods, if brought by a Welshman, must be rebutted with an oath of 60 hides; ²⁸ and this is no light matter, although a similar accusation, proceeding from a Saxon, necessitated a denial supported by an oath of 120 hides. In the case even of the *witeþeow*, Welsh blood makes a difference. A 12-hide oath will get a Welshman a thrashing, while a Saxon's skin is safe unless the oath is one of 34 (perhaps an error for 24) hides. ²⁹ The advantage, however, is not all on one side: the Welshman can escape his beating for 12 shillings, while the Saxon must pay just twice as much to keep a whole skin.

One of the most remarkable provisions is that which implies a recognition of the kinship-organization of the subject people; it being fully admitted that a Welshman, who is in a servile position relative to a Saxon master, may none the less have free kindred of his own. If a Welshman slays a Saxon, the Welshman's lord may redeem him from death by a money payment; but if the lord refuses to do so, he is obliged to release him from bondage, and the man, if possessed of free kin, may obtain from them the necessary ransom and thus escape the consequences of his crime. ³⁰ The general liberality of this provision towards the subject race is very notable; every opportunity of avoiding the death-penalty is afforded to the culprit. It should not be forgotten, however, that by allowing the obligation of wergild to fall, under certain circumstances, upon the kinsmen of the murderer, Ine is fixing upon them a share of the responsibility. Sheer self-interest would induce the Welsh kinship-organizations to employ their influence for the suppression of the slaying of Saxons by Welshmen.

It is difficult to avoid the conclusion that Ine's provisions about the Welsh, studiously fair and even liberal as they appear, represent a deliberate attempt at conciliation. The subject people are treated as inferiors indeed, but as inferiors possessing rights which their masters must respect. They are admitted to the protection of the West Saxon courts, and their voice is heard beside that of their conquerors. Considering time and place, the equation, two Welshmen = one Saxon, is not ungenerous. They are no sheep to be shorn at will: their pecuniary

²⁷ Ine, 46. 2, &c. Dr. Seebohm, *op. cit.* p. 402, doubts whether the Welsh were oathworthy. But unless such was the case, it is difficult to attach a meaning to Ine's provisions regarding their testimony. The *Ordinance of the Dunsættas*, from which Dr. Seebohm quotes, is not at all to the point.

²⁸ Ine, 46; 46. 1.

²⁹ Ine, 54. 2.

³⁰ Ine, 74; 74. 1.

as well as their judicial rights are to some extent safeguarded. These considerations seem to lend some weight to the hypothesis previously advanced, namely, that the laws containing the provisions just examined were put forward at the time when the passivity of the Welsh must have been of supreme importance to Ine: that is, in the course of the first few months of his reign. A king who ascends the throne of a distracted realm with the prospect of a dangerous war on his hands is unlikely to wait until five years have elapsed before issuing enactments calculated to win the support of his subjects and to promote 'the stability of his kingdom'. By 693 Ine must have been firmly established: hard fighting had made him secure, and had paved his way for the triumph of the following year. But in 688 or 689 he was at the very outset of his troubles, and it was of the greatest consequence to him that there should be no movement among the Welsh. In the absence of definite proof to the contrary, therefore, it seems distinctly probable, from the very nature of its enactments, that the issue of this code should be assigned to 688 or 689 rather than to 692 or 693.

L. F. RUSHBROOK WILLIAMS.

The Sheriffs of Lincolnshire and Yorkshire, 1066-1130

THE following notes on the early sheriffs of Lincolnshire and Yorkshire may be found useful as aids in assigning approximate dates to a number of royal charters and writs issued during the period from 1066 to 1130.

In the Domesday Survey of Lincolnshire, under 'Clamores in Westreding', it is recorded that Grinchel had, in the time of King Edward, sac and soc over his land, but in the year in which that king died he suffered forfeiture and gave the land to Merlo-suen, the sheriff, for the king's forfeit (*reatus*), and made him heir.¹ In 1067 Merlesuen attested, as *vicecomes*, a charter of William I, confirming to Abbot Brand the possessions of the monastery of Peterborough in co. Lincoln.² In the summer of 1068 he joined the revolt at York.³ Later his lands were bestowed upon Ralph Paynel. The next sheriff upon record was Thorold, named in the Survey as the donor of a manor in Bucknall, co. Lincoln, and soc-land there belonging to the manor of Belchford, co. Lincoln, to the monastery of St. Guthlac at Crowland—'Hanc terram dedit Tuoldus *vicecomes* [interlined] Sancto

¹ D. B. i. 376, col. 2. Cf. Gaimar, *Chron. Angl.-Norm.*, 5255.

² *Monast. Angl.* i. 383 b; Davis, *Regesta Regum Angl.-Norm.*, n. 8.

³ Orderic (ed. Le Prevost), ii. 188, 192; Florence of Worcester, an. 1068.

Gutlaco pro anima sua'.⁴ In a spurious charter to Crowland he is described as Thorold de Bukenhale, kinsman of Earl Aelfgar and brother of Godgifu, wife of Earl Leofric; and in the testing clause as 'Thoroldus vicecomes'.⁵ There can be no reasonable doubt that Thorold was the 'T. vicecomes' to whom William I addressed a writ touching the translation of the see of the bishopric of Dorchester to the city of Lincoln,⁶ pursuant to the decree of the council of London, held in 1075, that episcopal sees should be removed from obscure towns to cities. Bishop Stubbs states, doubtless upon the evidence of the Survey, that the translation to Lincoln took place in 1085; but this date may be at least five years too late. Mr. Round⁷ has discovered evidence that Thorold of Lincoln (*Lincolniensis Turolodus*) and perhaps his neighbour, Alfred of Lincoln (*Hispaniensis Alveredus*),⁸ were taking part in a judicial eyre in the town of St. Edmund's Bury,⁹ some time during the years 1076-9. A writ of William I, directed to Re[migi]us, bishop of Lincoln, H. the sheriff, and the other barons of Lincolnshire, touching the possessions of the church of St. Peter, Westminster, in Doddington, co. Lincoln,¹⁰ appears to refer to a sheriff of Lincoln who was Thorold's immediate successor. Freeman has suggested that the English sheriff 'Colsuein', named in 1080, was Colswegen of Lincoln and that he was holding office in his own county.¹¹

Before 1086 the office of sheriff of Lincoln was held by one Ivo, who may with some probability be identified as Ivo Taillebois, or 'Thallebos', the first husband of Lucy, a kinswoman of Thorold.¹² This marriage is recorded in a charter of Ivo granting to St. Nicholas of Angers the church of Spalding *pro sui ipsius et coniugis sue Lucie et antecessoris*,¹³ *Toraldi scilicet, uxoris eius, requie*.¹⁴ An entry among the 'Clamores in Westreding' records that 'In Scampton Norman Crassus has paid beyond his account (*supermisit*) 3 pounds and a mark of gold, and this (*hoc*) he has put in pledge to Ivo the Sheriff'.¹⁵ It is possible that Norman Crassus was sheriff prior to Ivo's term of office, and again in 1087-8.

⁴ *D. B.* i. 346 b, col. 2.

⁵ *Monast. Angl.* ii. 119, n. 18.

⁶ *Ibid.* vi. 1269 b, n. 3. See also p. 1272, n. 13, n. 14; and iii. 20, n. 31; Davis, nos. 283, 335, 430, and 443.

⁷ *Feudal England*, p. 329.

⁸ Or possibly Alfred of Warham.

⁹ *Memorials of St. Edmund's Abbey*, i. 63-4.

¹⁰ *Monast. Angl.* i. 301 b, n. 41; Davis, n. 212.

¹¹ *Norman Conquest*, iv. (2nd ed.) 481 n.

¹² *Monast. Angl.* iii. 216 b, n. 5. In the Peterborough Chronicle Thorold is described as uncle (*avunculus*) of Lucy; *Monast. Angl.* iii. 215.

¹³ 'antecessorum' in *Monast. Angl.* Mr. Kirk, in *The Genealogist* (n.s., v. 67 n.), states that the actual words, given in the Chartulary of Angers, quoted by Nicolas, are: 'Pro sui ipsius et coniugis sue Lucie et antecessorum suorum, Toraldi scilicet uxorisque eius, requie.'

¹⁴ *Monast. Angl.* iii. 215, n. 5; cf. Davis, n. 288 a.

¹⁵ *D. B.* i. 376, col. 2.

A mandate of William II directed to N. the sheriff, touching the land of Bishop Remigius in Kirton and Hibaldstow, co. Lincoln,¹⁶ and issued during the period 26 September 1087-12 March 1088, seems to indicate that Ivo had been removed from office by William II. Possibly his displacement was only temporary. Ivo 'Taillebosc' held a considerable fee in co. Lincoln at the time of the Survey, of which the two most important manors, viz. Bolingbroke and Belchford, with extensive socages, had belonged to Stori, Spalding and the soc to Earl Aelfgar, Alkborough to William Malet, and the rest to Alwin, Gamel, and other Englishmen. The bulk of this fee descended to the issue of Lucy by her second and third husbands, Roger Fitz-Gerold and Ranulf Le Meschin. Thus in 1165 the earl of Chester accounted for 20 marks 'pro feodo Turoldi vicecomitis', and Richard de Canvill for £30 18s. 6d. 'de feodo Willelmi de Romara',¹⁷ for a levy towards the expenses of the army in Wales in lieu of service. Ivo Taillebois was living after 1093, as appears from his attestation of a confirmation charter of William II to R[obert], bishop of Lincoln, to which charter William the chancellor was also a witness.¹⁸ He attested charters of William I in 1081 and before 1086.¹⁹ A writ of William II in favour of the canons of Lincoln was addressed to I[vo] Taillebois and Osbert, the clerk of Lincoln.²⁰

This Osbert succeeded to the office of sheriff of Lincoln in the latter part of the reign of William II. As Osbern the priest he appears in the Survey as tenant in chief of manors in Faldingworth and Binbrook, and of the church of Binbrook, and as joint tenant with Ralph the sewer of two manors in Marston, with soc in Barkston.²¹ Possibly he was the 'Osbernus legatus Regis' who was awarded land in Thurlby by the verdict of the wapentake of Graffoe.²² He was ancestor of the important family of Chamberlain of Duffield, co. York, and Wickenby, co. Lincoln. He and his sons, Richard of Lincoln and William Torniant, held lands of the fees of the bishops of Lincoln and Durham, Percy, Chauncy, Crevequer, Gant, De L'Isle, Creon, and of the counts of Brittany and Aumâle. Evidences of these tenures are found in the Domesday and Lindsey Surveys, in the Great Roll of the Pipe of the thirty-first year of Henry I, and in the Great Inquest of Service taken in 1212.²³ Millicent, the niece of William Torniant, was

¹⁶ Lincoln Registrum Antiquissimum, n. 8 (copy), in Davis, *Regesta Regum Angl.-Norm.* n. 305.

¹⁷ *Pipe Roll*, 2 Hen. II, 37-8.

¹⁸ Round, *Cal. of Documents, France*, n. 1234. Cf. n. 1150, written in 1100, some years after issue.

¹⁹ *Ibid.* n. 1375; n. 92.

²⁰ *Monast. Angl.* vi. 1272, n. 15; Davis, n. 406. Mr. Round suggests that the writ may have been issued *vacante sede* (1092-3): *Anc. Charters* (Pipe Roll Soc.), n. 1; but 'R. episcopus' was a witness.

²¹ *D. B. i.* 366 b.

²² *Ibid.* 377.

²³ *Testa de Nevill*, 334-47.

given in marriage by Henry I to Herbert the chamberlain, with the lands of the same William, Richard his brother, and Osbert the sheriff, their father.²⁴ Osbert may have been appointed to office in 1096, or soon after. A writ issued by William II at Brill is addressed to Osbert the clerk of Lincoln, in favour of Prior Turgot and the monks of Durham, shortly after the death of William, bishop of Durham, who died 2 January 1096.²⁵ On the morrow of Martinmas Day, between 1093 and 1099, at Pont de L'Arche, William II consented to the gift of 11 bovates of land in Binbrook, which Osbert of Lincoln desired to make to the church of St. Mary of Lincoln, for a prebend. He held these bovates of the king in chief.²⁶ An early occurrence of Osbert's name as sheriff is found in a writ of William II issued at Brigstock, directed to 'Rotberto episcopo Lincolie, Os[berto] vice-comiti Lincolie', &c., and attested by the bishop and Robert Fitz-Hamon.²⁷ Mr. Round assigns it to the period 1095-1100. There is also a writ of William II in the Spalding Register addressed to R[obert], bishop [of Lincoln], and Roger Fitz-Gerold, in which Osbern the sheriff and Colegrim are enjoined not to meddle with the farm and rent due by the men of Spalding to the monks of Spalding, as in the time of Ivo Taillebois.²⁸

In the earlier half of Henry's reign Osbert's name occurs frequently in writs connected with cos. Lincoln and York, as sheriff of both counties; one of the earliest instances being in a Lincolnshire writ issued during June-July 1101.²⁹ Two other attestations by Osbert may be noted, namely, of a charter of Henry I issued at Romsey in the fifth year of the coronation of King Henry, to which Mr. Salter has assigned the close date of 13 February (1105);³⁰ and of a charter of Picot, son of Colsuein of Lincoln, dated at the third hour of the day, on 14 March, A. D. 1111.³¹ It is probable that Osbert died before 1116. In a writ issued by Henry I from Portsmouth, addressed to the queen, and undoubtedly of a date shortly after Easter 1116, the gift made by Osbert the sheriff to the church of Lincoln and Bishop Robert, of the church of St. Margaret (in Lincoln?) and the church of Hacey (*Hatseby*, *Barsebi*), was confirmed.³²

Wigot succeeded, to whom and to Ranulf Meschin and others Henry addressed a writ from Headington, co. Oxon., granting to

²⁴ *Abbreviatio Placitorum*, 65 b.

²⁵ Cartul. in the Treasury at Durham, i, f. 46; *Hist. Dunelm. Scriptt. Tres.*, p. xxvii.

²⁶ *Monast. Angl.* vi. 1272, n. 12.

²⁷ *Anc. Charters* (Pipe Roll Soc.), n. 1; Davis, n. 479.

²⁸ Brit. Mus., Cole MS., p. 320; cf. *Genealogist*, n.s., v, p. 67, n. 7; Davis, n. 408.

²⁹ *Ante*, xxi. 506; xxiii. 725-6; xxvi. 487; *Cal. of Charter Rolls*, iv. 133; *Monast. Angl.* i. 241 b-2; vi. 1178 b-80, 1271 b-5.

³⁰ *Ante*, xxvi. 489-90.

³¹ *Monast. Angl.* iii. 218 b.

³² *Ibid.* vi. 1273, n. 22; 1275, n. 46.

Bishop Robert *in commendam* the church of All Saints (in Lincoln), and the churches of Grimsby, which Osbert the sheriff had held on the day of his death.³³ It is quite evident that Osbert was dead before the Lindsey Survey was made (1115-18), for his lands were then in the possession of his sons, Richard of Lincoln and William Torniant.³⁴ In the Spalding Register³⁵ there is a writ of Henry I directed to Robert, bishop of Lincoln, and Wig[ot] the sheriff, directing that the monks of Spalding shall have the wood appertaining to the manor, as fully as they had it in the time of the king's father and brother, and in the time of Ivo and Thorold.³⁶ The date of this writ will lie within the period 1115-23. It is uncertain how long Wigot held office. In 1130 Alan, son of Wigot, liquidated his father's old debt,³⁷ which may have represented some part of the farm, of Lincolnshire yet unpaid when Wigot left office or died. Both Wigot of Lincoln and Alan his son were benefactors to the abbey of St. Mary, York; the former gave a tenement in Ousegate, in York.³⁸

Wigot's successor may have been William Torniant, son of Osbert the sheriff, who owed in 1130 more than £170 on account of the old farm of Lincolnshire, besides something on account of an old debt of his own and of his brother, Richard of Lincoln, and 200 marks for having livery of the land of Adam his brother.³⁹ The former debt may have been connected with his father's tenure of office, although the wording of the record hardly suggests this.

In 1130 Reiner de Bath was sheriff, and accounted for the farm of the county for the preceding year also,⁴⁰ so that he may have been sheriff for a year or two before 1130.

Some time during the period 1133-5 William, son of Hacon, appears to have been sheriff.⁴¹

The first sheriff of York after the Conquest was William Malet, appointed in 1067. He only held office for two years, namely, until his capture by the Danes at the sack of York, in September 1069.⁴² Hugh, son of Baldric, is named in the Survey as serving the office of sheriff of York in the year following that in which the sack of York occurred, that is in 1070.⁴³ The 'Historia Selebiensis' indicates that he was already in office at the time of

³³ *Ibid.* 1275, n. 45.

³⁴ Greenstreet, *Lindsey Surv.* 6, 10, 16-17, 21.

³⁵ Harl. MS. 742, f. 9.

³⁶ *Genealogist*, n.s., v. 68, n. 12; *Cal. of Charter Rolls*, iv. 162, n. 3.

³⁷ *Pipe Roll*, 31 Hen. I, 110.

³⁸ *Cal. of Charter Rolls*, iii. 115-16; Prescott, *Reg. of Wetherhal*, n. 8.

³⁹ *Pipe Roll*, 31 Hen. I, 109-10.

⁴⁰ *Ibid.* 109.

⁴¹ *Monast. Angl.* vi. 1274 b, n. 43.

⁴² Symeon of Durham (ed. Arnold), ii. 188; *D. B.* i. 374, col. 1.

⁴³ *Ibid.* p. 298, col. 1.

the foundation of the monastery of Selby in 1069.⁴⁴ In 1074 he still held office,⁴⁵ and about the same time he also served as sheriff of Nottingham.⁴⁶ It appears that he was still sheriff of York about the year 1080, for a charter of confirmation issued about that date by William I to the abbey of Præaux mentions Hugh, son of Baldric, as sheriff of 'Eurohic'.⁴⁷

Erneis de Burun succeeded and was sheriff towards the end of the Conqueror's reign. This we learn from the story, recorded in the 'Historia Selebiensis', of the pledging by Abbot Benedict to Erneis for 100 marks of St. German's finger, and the subsequent recovery of Erneis's son, Hugh de Burun, from a weakness of the eyes through the virtue of this relique.⁴⁸ The notification by William I of his grant to Count Alan of Brittany of the church of St. Olave in York and the town of Clifton was addressed to the archbishop, E. the sheriff, and the lieges of Yorkshire.⁴⁹ A confirmation by Earl Hugh of Chester to Prior Reinfrid and the convent of Whitby, of doubtful authenticity, was directed to Thomas the archbishop, William de Percy, and 'He.', sheriff of York; wherein the symbol 'He.' may represent the name 'Hernisius'.⁵⁰ A writ of William I, probably for the shire court of York, releasing the service of the town of Hambleton, which Ilbert de Lasey had given to the monastery of Selby, was directed to Thomas the archbishop, 'Erni' de Bur[un], and the barons of Yorkshire.⁵¹

Erneis de Burun was probably removed from office by William II, for Ralph Paynel appears to have been sheriff of York in 1087-8, during the disagreement between the king and William de St. Carilef, bishop of Durham, which led to the bishop's trial and withdrawal from the realm.⁵² On 14 November 1088 Durham castle was delivered to Ivo 'Taillebose' and Erneis

⁴⁴ *Coucher of Selby* (Yorkshire Rec. Soc., x), i. [14-15]; Sym. of Durham, ii. 186.

⁴⁵ *Ibid.*, p. 201.

⁴⁶ *D. B.* i. 280, col. 1.

⁴⁷ Round, *Cal. of Doc., France*, n. 318; Davis, n. 130.

⁴⁸ *Coucher of Selby*, i. [17].

⁴⁹ *Cal. of Patent Rolls, 1429-36*, p. 362; Davis, n. 226.

⁵⁰ *Chartul. of Whitby* (Surtees Soc.), n. 25. If this sheriff was not Erneis de Burun but the sheriff 'H' of the period 1096-1100, then Reinfrid must have been prior until some years later than 1087, in which year Serlo is supposed to have succeeded him: *Chartul. of Whitby*, p. lxxxvii. Further, if Reinfrid was prior until after 1095, the charter of William II issued at York and attested by Lanfranc (as cited below, p. 283) must be a forgery: *ibid.* n. 555. So, too, must that addressed to Archbishop Thomas and G[oeffrey] the sheriff: *ibid.* n. 579. The attestation of Earl Hugh's charter to Whitby (n. 25) by Aschetill de Bulmer and Robert de Bruis seems to point to the sheriff 'He.' being the sheriff of the period 1096-1100; but these two persons do not occur elsewhere until after 1106, a circumstance which casts doubt upon the genuineness of this charter. Earl Hugh died in July 1101. William de Percy is said to have died in 1096.

⁵¹ *Coucher of Selby*, n. 24; Davis, n. 403.

⁵² Sym. of Durham, i. 172-3, 179, 190; *Monast. Angl.* i. 245.

de Burun, on behalf of the king.⁵³ A confirmation of William II,⁵⁴ issued at York, in favour of Prior Serlo and the monks of Whitby, was addressed to Thomas the archbishop, Count Alan (of Brittany), and Ralph Paynel, probably as sheriff. It was attested by Archbishop Lanfranc, Osmund, bishop of Salisbury, and William de Percy.⁵⁵ It is probably spurious, but if genuine it points to an unknown visit of William II to York before 24 March 1089.⁵⁶

The probable successor of Ralph Paynel, as sheriff of York, was Geoffrey Bainard of Ashdown, co. Essex,⁵⁷ brother of Ralph Bainard, the tenant-in-chief in the Survey in cos. Norfolk, Suffolk, Essex, and Hertford. Geoffrey was an important feudatory in Yorkshire and a benefactor to the abbey of St. Mary, York.⁵⁸ A charter of William II, confirming to the monks of Durham the town of Billingham, was addressed to G. Bainard and attested by R. the chancellor,⁵⁹ that is, Robert Bloet, who held that office from 1087 until his elevation to the see of Lincoln in 1093. This document refers to the possessions of the monks between the Tees and the Tyne, and, as the entire region between the Humber and the Tyne and between the Mersey and the Cumbrian Derwent lay within the jurisdiction of the sheriff of York⁶⁰ in the early part of the twelfth century, it is very probable that this charter or writ was addressed to Geoffrey Bainard, as sheriff of York. There is a charter of William II to Prior Serlo and the monks of Whitby, which is of considerable importance if genuine. It is addressed to Thomas, the archbishop of York, and G[eoffrey] the sheriff, and purports to have been issued at York and to have been attested by Osmund, bishop of Salisbury, and William de Percy.⁶¹ William II was in the north in 1091 and again in 1095, so that the date of this grant probably lies within the period 1091-5. Dods-worth has preserved a notification of William II, addressed to G[eoffrey] Bainard (*Brenard*), of his grant to the church of St. Peter of York, of the church of St. Stephen, near the pool at York, in exchange for land on which St. Mary's abbey had been

⁵³ *Ibid.* i. 192.

⁵⁴ Ascribed to William I by Mr. Atkinson in *Chartul. of Whitby*, Introd., p. lxiv.

⁵⁵ *Chartul. of Whitby*, n. 555; Charter R., 5 Edw. II, m. 6: calendared as a charter of William I; *Cal. of Charter Rolls*, iii. 188; Davis, n. 228. In 1088 Ralph Paynel, Pain de Vilers, William the monk of Arches, and Aubrey de Coucy attested a charter of Robert, duke of the Normans, to Mount St. Michel: Round, *Cal. of Doc., France*, n. 717. Ralph Paynel was living 1103-6: *ibid.* n. 1210.

⁵⁶ This improbable visit is mentioned in *Monast. Angl.* iii. 546 b. See above, p. 282, note 50.

⁵⁷ See Round, *Cal. of Doc., France*, p. 512.

⁵⁸ *Cal. of Charter Rolls*, iii. 114.

⁵⁹ From the original in the Treasury at Durham, *Ima Imae Regalium*, n. 7; *Hist. Dunelm. Scriptt. Tres.*, p. xx; Davis, n. 344.

⁶⁰ See *Victoria County History, York*, ii. 139, 141.

⁶¹ *Cartae Antiquae*, roll D.D., n. 25; *Chartul. of Whitby*, n. 579; Davis, n. 421.

built. This was issued in the council at Gloucester on Christmas Day (1093), when the king first held his court there.⁶² A writ of William II addressed to Archbishop Thomas, G[effrey] Bainard, and the barons of Yorkshire, freeing the land of St. Peter from the obligation of providing lodgings and necessaries (for the king's officials), contains the clause 'et tu, Gaufride, libera eam sine mora',⁶³ that is to say, that Geoffrey, as sheriff, was to deliver the land to the archbishop without delay.

The next sheriff is known only by the initial letter of his name: 'H. vicecomes.' A charter of William II, issued at Pont de L'Arche after 1095, and acquitting the lands of St. Cuthbert of Durham of castle-works and geld, as they had been in the time of the king's father and on the day of the death of William, bishop of Durham (2 January 1096), was addressed to Thomas the archbishop, H. the sheriff, and the barons of Yorkshire, and was attested by William (Giffard), the chancellor (1094-1100), and Fulcher, the king's chaplain.⁶⁴ Another writ of the same king contains in the directing clause the same names with that of Ralph Paynel. It was issued after the death of William de St. Carilef in favour of 'G.', possibly Geoffrey Bainard, as custodian of the temporalities of the bishopric of Durham *sede vacante*.⁶⁵

Osbert of Lincoln does not occur as sheriff of York until the time of Henry I. The chronicler of Meaux states that 'Osbert, although sheriff, had formerly been a very celebrated priest and was appointed sheriff of the counties of York and Lincoln by Henry I'.⁶⁶ This last statement, accurate as regards Yorkshire, was, as we have seen, chronologically inaccurate in respect of Lincolnshire. Osbert is mentioned in 1106 as interfering within the liberty of Ripon.⁶⁷ He occurs as sheriff in a number of royal writs addressed to Archbishop Gerard (1100-8) and Archbishop Thomas II (1109-14).⁶⁸ His name does not occur in official documents after 1114, a circumstance which strengthens the evidence, adduced above, of his death having occurred before Easter 1116. His successor in the office of sheriff of York appears to have been

⁶² Bodl. Libr., Dodsworth MS., lxiii, fo. 8 d; Davis, n. 338. Cf. *Monast. Angl.* iii. 546.

⁶³ Reg. Magn. Album (Dean and Chapter Library, York), pt. i, fo. 62; Davis, n. 431. The above clause is given corruptly in *Monast. Angl.* vi. 1178, n. 10.

⁶⁴ Charter Roll, 4 Edw. IV, m. 27; *Monast. Angl.* i. 241; Davis, n. 480.

⁶⁵ Original (pretended) in the Durham Treasury, *Ima Imae Regalium*, n. 8; *Chartul.* i, fo. 46; *Hist. Dunelm. Scriptt. Tres.* p. xxviii; Davis, n. 412.

⁶⁶ *Chron. de Melsa* (ed. Bond), i. 85.
⁶⁷ Leland, *Collectanea*, iii. 110; *Monast. Angl.* ii. 132; *Memor. of Ripon* (Surtees Soc.), i. 34.

⁶⁸ See Raine's *Historians of York* (Rolls Series), iii. 22-30; *Chartul. of Whitby*, nos. 190, 195; *Coucher of Selby*, i. 12, n. 3, and nos. 19, 31, and 555; Prescott, *Reg. of Wetherhal*, p. 4; *Cal. of Charter Rolls*, iii. 140; *Monast. Angl.* vi. 1178 b-80.

Anschetill de Bulmer, whose name occurs, without the title of sheriff, in various writs and charters of Henry I, of the period 1116-23,⁶⁹ 1121-3,⁷⁰ 1123-8;⁷¹ and, as 'Ansch[etillus] vic[ecomes]', in a charter of the time of Hugh, dean of York.⁷² He was living in 1128, and probably continued in office until his death in the following year. Bertram, his son, succeeded, and in 1130 owed 200 marks for his father's land and office, and certain other debts which had been incurred by his father.⁷³

The increasing number of officials and farmers whom the policy of Henry I placed in each county in charge of the royal demesnes, escheats, and estates in ward of the Crown, together with the adoption of a directing clause of a comprehensive character, led to the displacement of the sheriff's name from most of the royal charters and writs issued after the first decade of Henry's reign. This practice renders the task of discovering the names of those who held office as sheriff, after about the year 1115, uncertain and difficult, until the magnificent series of sheriffs' rolls, known as the Great Rolls of the Pipe, which have remained to our day, commence in the year 1155.

W. FARRER.

Constitutions of the Diocese of London, c. 1215-22

THE fourth council of the Lateran, which was held in the year 1215, orders in its 27th canon, 'ut episcopi promovendos in sacerdotes diligenter instruant et informis vel per ipsos vel per alios viros idoneos super divinis officiis et ecclesiasticis sacramentis qualiter ea rite valeant celebrare'. It can hardly be doubted that this canon was obeyed very generally, and that a series of instructions was put forth by diocesan synods¹ for the purpose of correcting the many prevailing scandals and abuses and of imparting authoritative information to the clergy; and it seems very probable that the well-known Constitutions of Bishop Richard Poore should be regarded as a document issued in compliance with the Lateran canon.

Richard Poore was successively bishop of Chichester (1214-17), of Salisbury (1217-28), and of Durham (1228-37). There exist two texts of his Constitutions, one of which is claimed as a Salisbury

⁶⁹ Reg. Magn. Album, pt. i, p. 65; pt. iv, p. 18 d; *Memor. of Ripon*, i, 93; and *Monast. Angl.* vi, 1179 b, n. 22.

⁷⁰ *Ibid.* i, 242, n. 12.

⁷¹ *Cal. of Charter Rolls*, iv, 361.

⁷² *Monast. Angl.* vi, 1180, n. 28.

⁷³ *Pipe Roll*, 31 Hen. I, 24, 146.

¹ 'On tint sans doute un grand nombre de synodes provinciaux pour faire exécuter les décisions du Concile du Latran': Hefele, *Conciles*, transl. by H. Leclercq, v, ii, p. 1399. Of these provincial synods the council of Oxford of 1222 was one. Doubtless a number of diocesan synods were held to give effect to this particular canon.

document,² and the other, which is printed by Wilkins, is by him ascribed to Bishop Richard Marsh, Poore's successor at Durham. The Constitutions answer exactly to the requirements of the Lateran council, and probably the true explanation of the rival claims of Salisbury and Durham is that the Constitutions were first issued by Poore at Salisbury, and then after his translation to Durham republished for the benefit of his new diocese.

The document printed below is probably another example of diocesan Constitutions put forth in compliance with the Lateran canon, and in this case for the benefit of the clergy of the diocese of London.

These Constitutions I found in a small quarto manuscript in the Lincoln Chapter Library. The manuscript in question, Linc. B. 6. 7, contains other matter and was written c. 1400. But the document is evidently earlier and contemporary with the Constitutions of Richard Poore. In parts it is very close to and even identical with Poore's Constitutions, and both are evidently based in places on some common source, but on the other hand there is considerable divergence, and these Constitutions contain a good deal of matter which is not found in the Constitutions of Richard Poore. The date of this document is somewhere between 1215-22. No mention is made of the council of Oxford. Its provenance is clear from the contents; it is addressed to the clergy of the diocese of London; St. Paul's is mentioned as the cathedral church; the service books used are to be those of the use of St. Paul's of London; and the list of Saints' days to be observed is evidently from the calendar of the London diocese.

The probabilities are that such diocesan Constitutions as these tended to be displaced by the canons put forth by the legislative councils presided over by Otto and Othobon. But a number of diocesan Constitutions of a somewhat later date—for example, those of Archbishop Edmund Rich (1236); a series of Constitutions of the year 1237, printed by Wilkins under the heading 'Constitutiones quaedam Synodales'; the Constitutions of Bishop Walter de Cantilupe (1240), in which in the section 'De festis celebrandis' he refers to a like list made by a predecessor; the Statuta Synodalia of Bishop Richard de la Wich of Chichester (1246); the Constitutions of Bishop Giles of Bridport of Salisbury (1256); and perhaps the canons of the 'Concilium Provinciale Scoticanum' (1242 and 1269)—all very similar in matter and import, are probably reissues of such diocesan Constitutions as those of Richard Poore and those of London put forth in obedience to the Lateran council of 1215.

² *Sarum Charters and Documents*, pp. 128-63, edited by W. Rich Jones and W. D. Macray, Rolls Series.

Indeed the Provincial Synod of Oxford of 1222, which was held to give effect to the fourth Lateran council, generally seems to have owed some at least of its canons to earlier diocesan synods which had been held between 1215-22. There is some uncertainty as to the true text of the Oxford council, but the additional matter appended to the canons in Wilkins, and called 'Statuta legenda in Concilio Oxoniensi,' &c., de Baptismo, de Confirmatione, de Sacramento altaris, &c., seem to be derived from some such document as the Constitutions of Bishop Poore and these of London.

The contents of this document can be illustrated from other contemporary documents of a like nature. One point, however—the injunction as to the pentecostal procession—finds a close and interesting parallel in the Register of the Statutes of St. Paul's (probably of the late thirteenth century). There³ is given a section on the pentecostal procession as follows :

De Processionibus minarum [? minorum] ecclesiarum civitatis faciendis ad ecclesiam S. Pauli et non alibi, et de processionibus in Ebdomada Pentecostes.

Interdictum est minoribus ecclesiis diebus dominicis ad processionem exire . . . Secunda feria in ebdomada Pentecostes, suburbani presbiteri cum suis plebibus et vexillis et cruce universi conveniant. Tercia feria eodem modo presbiteri et plebs Archidiaconatus Middelsexie. Quarta feria presbiteri et plebs Archidiaconatus Essexie et Colcestrie, subsequentibus Archidiaconis si fuerint presentes, vel eorum officialibus, processiones suas, et eas adducentibus usque ad ecclesiam matricem cum ympnis et laudibus, processionibus completis maius Altare sui patroni doctoris gencium cum oblationibus debitis et votivis visitantes: sequentibus feriis, reliqui secundum suas opportunitates qui processionibus interesse nequiverant, faciant ad idem. Similiter est de penitentibus constitutum. Quisquis ergo hoc devotus impleverit, fraternitatem maioris ecclesie et omnium que sub ea Deo militant, accipit, et tertia pars penitencie eius anni illius relaxatur.

Unde eciam in maiori ecclesia pro viventibus missa familiaris, et pro defunctis altera, singulis fere diebus ferialibus, et pro salute vivorum et requie defunctorum totum cotidie decantatur Psalterium inter xxx Canonicos per quinos Psalmos ab antiquo divisim.

It will be seen how closely this extract from the statutes of St. Paul's illustrates the section in our Constitutions which deals with the matter of the pentecostal procession.

It may be worth while to subjoin to this extract part of a letter of St. Hugh of Lincoln⁴ dealing with the same subject

³ *Registrum Ecclesie Londiniensis*, edited by Dr. Sparrow Simpson, Pars vi, cap. i, pp. 79, 80. My attention was called to this by Canon Chr. Wordsworth.

⁴ This letter is printed in Giraldus Cambrensis, *Opera*, vol. vii, App. E, p. 200, Rolls Series.

of the pentecostal procession, which indeed seems to have been of general observance :

Hugo, Dei gratia Lincolniensis Episcopus, omnibus archidiaconis et eorum officialibus per diocesim Lincolniensem constitutis, salutem et Dei benedictionem. Cum cura et sollicitudo Lincolniensis Ecclesiae, quam Deo auctore regendam suscepimus, nos admodum invitent ea quae hactenus minus bene fuerint ordinata in meliorem statum redigere, canonicorum ibidem Deo iugiter famulantium commodo imposterum profuturo invigilare tenemur. Movemur siquidem nec illud clausis oculis de cetero praeterire possumus, quod etiam vos movere deberet et non movemini, ad quos specialius pertinet cura et sollicitudo ecclesiae Lincolniensis, quod cum tantam habeat filiorum multitudinem, ipsi eam contemnunt, ut saltem eam semel in anno, secundum consuetudinem ecclesiae nostrae, quae in aliis episcopalibus celebris habetur, eam in propria persona vel de suis facultatibus condignas oblationes mittendo, negligat visitare. Quod quidem ex negligentia clericorum potiusquam laicorum simplicitate novimus accidisse. Quocirca universitati vestrae autoritate qua fungimur praecipimus, quatinus decanis, personis, presbiteris, per nostram diocesim constitutis, in virtute obedientiae iniungatis, ut in singulis parochiis singuli capellani fideles sibi commissos ad hoc sufficienter autoritate nostra inducant, quod de singulis domibus aliqui in festo Penthecostes ad locum consuetum et processionibus destinatum singulis annis satagant convenire, oblationes condignas in remissionem peccatorum suorum et in signum obedientiae et recordationis matris suae Lincolniensis ecclesiae offerentes. Tubeatis etiam ut singuli decani personis presbiteris sibi commissis autoritate nostra praecipiant, ut nominibus parochianorum suorum seorsum notatis decanis cum clericis nostris in Penthecoste ad hoc destinandis, sciant per nominum annotationes fideliter respondere, qui secundum mandatum nostrum ut filii obedientes vel venerint vel miserint, et qui mandatum nostrum transgredientes venire vel mittere neglexerunt.

These contributions towards the fabric of the cathedral church were called, at least in the dioceses of Salisbury and Lincoln, 'smoke farthings', from the fact of their being levied on chimneys.

R. M. WOOLLEY.

CONSTITUTIONES LONDONIENSES

Lincoln Chapter Library, MS. B. 6. 7a.

(1) QUIA⁵ in sacramentorum dispensatione ministrorum ecclesie consistit ministerium, magna cautela atque diligentia adhibenda est : ut sacramenta rite tractentur ecclesiastica et conferantur ; ne et rectores ecclesiarum per silentium superiorum quia non fuerint per illos super hiis instructi uel amoniti se ualeant excusare ; singula sacramenta per ordinem prosequamur.

Sunt autem septem sacramenta, quorum quinque sunt omnibus fidelibus communia et necessaria. Primum est Baptisma quod est ianua omnium

⁵ Lateran Council IV, Can. i. The Sacraments in the Lateran Council are treated of very shortly. This section is more or less identical with Rich. Poore's § 15 'de numero sacramentorum'.

sacramentorum, et prima tabula post naufragium,⁶ sine quo non est salus. Et est sacramentum ingrediencium sanctificans ingredientes, et paruulos a peccato originali adultos uero tam ab actuali quam originali emundans. Secundum est impositio manus que fit ab episcopo, que confirmacio dicitur, que ingressos iam in mundum et sanctificatos per baptismum armat et corborat contra diabolum, et est sacramentum pugnantium. Tercia est penitencia que ingressos in mundum et lapsos per peccatum tum releuat et reparat. Quartum est perceptio corporis et sanguinis Christi quod similiter uiaticum siue eucharistia uocatur : hoc Christo nos unit et incorporat. Quintum est extrema unccio, scilicet sacramentum exeunium, quod nos ad Dei preparat uocationem. Duo uero sequencia sunt Ordo et Coniugium : nec omnium sunt sed quorundam : nec per eorum uirtutem peccata dimittuntur, sed in eorum altero, scilicet in Ordine maxime sacro, gratia confertur et augentur uirtutes. In predictis autem septem sacramentis quedam sunt iterabilia, scilicet penitencia, coniugium, extrema unccio : et alia non sunt iterabilia. Penitencia eciam pupplica et solempnis non debet iterari.

(II) Cum⁷ uero tanta sit uirtus et efficacia sacramenti Baptismi, et cum ab ipso Domino sit institutum et eius sanguine rubricatum, precipimus quod cum honore et reuerencia magna celebretur et magna cautela maxime in distincione et prolacione uerborum in quibus, super elementum cum intencione baptizandi rite prolatis, tota uis consistit sacramenti et salus baptizandorum. Est autem hec forma substancialis istius sacramenti, 'Petre, ego baptizo te in nomine Patris et Filii et Spiritus Sancti, Amen'. A laico autem hoc sacramentum in forma ecclesie conferri potest in necessitate et ideo precipimus ut sacerdotes doceant et informant publice laicos sibi subditos ut in necessitate pueros certis nominibus exprimendos sub predicta forma baptizent. Hoc et idem per patrem et matrem in necessitate sine preiudicio matrimonii posse fieri protestamur. Non refert quo idiomate⁸ intelligibili utantur. (III) Cum⁹ uero a laico ad ecclesiam baptizatus defertur, que sibi in hac parte defuerunt per sacerdotem recepturus, inquirat sacerdos diligenter quid dixerit laicus in necessitate baptizans, et quid fecerit, et si inuenit rite et in forma ecclesie baptizatum factum approbet supplendo quod sibi per laicum conferri non potuit, ut scilicet in uertice, pectore, et scapulis ungatur, et alia fiant que precedent et subsequuntur in mercione. Sin autem, baptizet puerum dicendo 'Non te rebaptizare intendo, sed si non es baptizatus, baptizo te in Nomine Patris et Filii et Spiritus Sancti, Amen'. (IV) Diaconi uero neque baptizent neque penitenciam iniungant, nisi in hiis casibus ; cum scilicet sacerdos

⁶ 'prima tabula post naufragium': this phrase occurs in R. Poore's § 15 and § 20 (cited henceforward as R. P.). It is presumably founded on the dictum of St. Jerome that Penance is 'quasi *secunda* post naufragium miseris tabula': Epist. xvii, *ad Demetriadem*, 'De seruanda Virginitate'. Cf. Hostiensis, Lib. i, *De Sacramentis non iterandis*, § 5.

⁷ Cf. R. P. § 20 'De baptismo et eius effectu', which is, however, much longer than this.

⁸ Cf. R. P. § 20, which allows the form to be used 'in Romano vel Anglico' (Wilkins's text 'in Latin or French'). In § 23 R. P. gives permission for the form to be used 'in Gallico sive in Anglico sive in Latino'.

⁹ Cf. R. P. § 23 'Diligenter inquiratur forma baptizandi cum laicus baptizauerit'.

non potest, uel est absens, uel stulte uel indiscrete non uult, et mors imminet puero uel egroto. (v) Adhuc precipimus quod sacerdos inquirat diligenter cuius sit puer baptizandus; quis pater, que mater, ut sic cognoscat cum quibus poterit contrahere matrimonium; et ad alia et hec cautela est necessaria. (vi) Ad leuandum¹⁰ uero puerum de fonte tres ad plus recipiantur; in baptismo maris duo mares et una femina, femina a duabus feminis et uno mare suscipiatur. Quod uero amplius est a malo est. Plures tamen tanquam testes, non tanquam patrini, se haberi [*sic*] possunt, propter uarias causas. Baptisterium¹¹ quoque habeatur in qualibet ecclesia baptizali lapideum, quoque quod decenter cooperiatur et conseruetur sub sera propter sortilegiam. Aqua ubi baptizatur puer ultra septem dies non seruetur propter corrupcionem. (vii) Si uero puer baptizetur propter necessitatem, aqua propter reuerenciam baptismi uel fundatur in ignem, uel ad ecclesiam in baptisterium fundenda deferatur, et uas illud comburatur uel ad ecclesie opus deputetur. (viii) Si¹² uero pueros cum sale contingat expositos inueniri, baptizentur. Si uero sine sale inueniantur depositi, et dubitetur utrum baptizati fuerint uel non, baptizentur; ita tum quod ante prolacionem istorum uerborum, 'Petre, ego baptizo te in nomine Patris', etc., que sunt de substantia Baptismi, et debent cum intencione baptizandi proferri, hec a baptizante uerba proferantur nominante baptizandum et dicente, 'Non intendo te rebaptizare, sed si non es baptizatus, ego baptizo te in nomine Patris', etc. (ix) Si¹³ mulier mortua fuerit in partu et de hoc certissime constiterit, scindatur, si infans credatur uiuere, ne pereat; ut saluari possit partus tamen, ore mulieris aperto ut puer in utero clauso aerem ualeat respirare. Si autem uiuus fuerit extractus, statim baptizetur in forma predicta.

(x) Item¹⁴ quod in Baptismo paternitas contrahatur que matrimonium contrahendum impedit et quoque dirimit contractum, et tres species consanguinitatis distinguantur secundum iura canonica; una inter patrem carnalem et spiritualem: altera inter illum qui suscipitur et suscipientem, quasi inter patrem spiritualem et filium spiritualem quia est patrinus istius suscepti: tertia que potest dici fraternitas que attenditur inter filium spiritualem alicuius et eiusdem filiam carnalem; et quelibet premissarum cognationum species impedit et dirimit matrimonia secundum iura canonica; ne tales inuicem contrahant de cetero prohibemus, et si fuerit de facto contractum, cum de eo constiterit, irritum nunciabitur. (xi) Inhibemus et ne uir contrahat cum aliqua consanguinea olim uxoris sue in quarto gradu uel infra, cum eque consanguinei [*sic*] uxoris sue sicut a propriis abstinendum fore iura canonica statuerunt.

(xii) Precipimus¹⁵ et ut sacerdotes frequenter moneant populum ad confirmacionem puerorum. Post baptismum uero debet suscipi sacramentum confirmacionis, quia per baptismum regeneramur ad uitam. Post

¹⁰ Cf. R. P. § 24 'Quot patrini admitti debeant ad leuandum masculum, et quot ad feminam'.

¹¹ This latter half of vi and vii correspond to R. P. § 22 'Quod qualibet ecclesia habeat baptisterium'.

¹² Cf. R. P. § 27 'De pueris] de quorum baptismo dubitatur'.

¹³ Cf. R. P. § 28 'De incisione ventris mulieris'.

¹⁴ Cf. R. P. § 31 'De proximitate contracta in hoc sacramento'.

¹⁵ §§ XII-XVI correspond in matter to R. P. § 31 'De sacramento confirmacionis'.

baptismum uero confirmamur ad pugnam et contra agones huius seculi corroboramur. (xiii) Et si adultus fuerit confirmandus, prius confiteatur, et postea confirmetur. (xiv) Precipimus et ut sacerdotes sepius dicant laicis ne aduentum episcopi expectent ad pueros confirmandos, sed ducant pueros ad episcopum ubi eum audierint prope adesse, et exponant eis quod nomina puerorum possunt mutari, si uiderint expedire.

(xv) Nullus sacerdos presumat confirmare pueros aut consecrare uirgines, solius enim episcopi pueros confirmare, uirgines consecrare, ecclesias dedicare, ordines quoque conferre.

(xvi) Precipimus et quod adulti qui confirmandi sunt et personaliter episcopum possunt adire, si commoniti adire noluerint, compellantur, et similiter parentes eorum si extiterint negligentes.

(xvii) Quia¹⁶ baptizati et confirmati plerumque lapsi in peccatum non possunt reparari nisi per penitentiam et confessionem si tempus habuerint, ideo necessarium est ut rectores ecclesiarum, capellani, clerici, et laici instructi sint et moniti in hoc sacramento. Sacramentum autem penitencie, quam necessarium sit, patet in Euuangelio illo, 'Quorum remisistis peccata remittuntur, et quorum retinueritis retenta sunt'. Sed quia remissionem peccatorum consequimur per ueram confessionem, precipimus, sacrorum canonum statuta sequentes, ut sacerdos in penitencia danda, diligenter attendat persone qualitatem, delicti quantitatem, locum, tempus, causam, et moram in delicto factam, et alias peccati circumstancias, similiter et animi deuocionem penitentis et signa contricionis. (xviii) Sacerdotes¹⁷ circa confessionem maximam curam adhibeant et cautelam, sed ut diligenter peccata inquirent usitata singillatim, inusitata uero non nisi a longe per aliquam circumstanciam, sic tamen ut expertis detur materia confitendi, et inexpertis non detur materia delinquendi. (xix) In confessione caueant sibi sacerdotes ne inquirent personarum nomina cum quibus peccauerint confitentes, sed circumstancias tantum et qualitates. Et si confitens indicauerit, arguat confessor, et secretum teneat illud sicut confitentis peccatum. (xx) Potest tamen sacerdos inquirere a muliere utrum sit clericus cum quo peccauerit, laicus, monachus, uel presbiter, uel diaconus; et uice uersa, a masculo requiratur si peccauerit cum soluta uel coniugata, consanguinea uel extranea, uel spirituali filia uel sorore spirituali uel affini, nemine personaliter nominato. Ad¹⁸ audiendas confessiones communiorem locum in ecclesia sibi eligant sacerdotes ut communiter ab omnibus uideri possint; et in locis abditis aut extra ecclesiam nullus recipiat confessiones nisi ex magna necessitate uel infirmitate; et maxime confessiones mulierum non audiantur nisi extra uelum et in loco aperto ubi uideri possint et non audiri. In¹⁹ confessione habeat sacerdos uultum humilem et oculos ad terram, nec faciem respiciat confitentis, maxime mulieris, causa debitae honestatis; et patienter audiat que dixerit in spiritu lenitatis, et ei pro posse suo pluribus modis persuadeat ut confiteatur integre,

¹⁶ Cf. Lat. iv, can. xxi, and R. P. § 32 'De sacramento penitentiae et de modo agendi penitentiam'.

¹⁷ Cf. R. P. § 39.

¹⁸ Cf. R. P. § 35 'Ubi debeant audiri confessiones mulierum'.

¹⁹ Cf. R. P. § 39 'Qualiter se debeat habere sacerdos in confessione audienda'.

aliter enim dicat ei confessionem nihil ualere. (xxi) Sacerdotes²⁰ maiora reseruent maioribus in confessione, sicut homicidia, sacrilegia, peccata contra naturam, incestus, et stupra uirginum monialium, iniectio manuum contra parentes, uota fracta. Talium criminum rei mittendi sunt ad episcopum uel eius penitenciarium. (xxii) Preterea quedam sunt peccata que reseruantur Domino Pape uel qui gerit potestatem eius, uidelicet iniectio manuum in clericos uel quoscumque religiosos, incendia ecclesiarum, et symonia in ordines commissa. In dubiis autem semper confessor consulat episcopum aut sapientes uiros quorum consilio certificatus soluat securius aut liget. (xxiii) Audita uero confessione semper sacerdos interroget confitentem si uelit abstinere ab omni mortali; aliter uero non absoluat eum, neque iniungat ei penitentiam ne inde confidat; set moneat eum ut interim faciat quicquid bonum poterit ut Dominus cor illius illustret ad penitentiam. (xxiv) In iniungendis paruis penitentiis caueant sibi sacerdotes quod secundum qualitatem culpe et possibilitatem confitentis debet esse qualitas penitencie; alioquin quod minus est requiretur ab eis. (xxv) In²¹ furto, rapina, usura, ualde sibi caueant sacerdotes ne alias iniungant penitencias scilicet missarum, elemosinarum, et huiusmodi, priusquam reddiderint. Non dimittetur peccatum nisi restituatur ablatum si facultas suppetat satisfaciendi. Nullus missas quas iniunxerat celebret, nec annuale.

Frequenter²² presbiteri moneant populum ad confessionem, et precipue ab inicio quadragesime instantis precipiant uenire ad confessionem generaliter. (xxvi) Omnes sacerdotes precipiant instituta ieiunia seruari, ut ieiunium quadragesime, quattuor temporum, uigiliarum, nisi ex magna rationabili fiat causa. (xxvii) Nullus²³ ira uel odio uel eciam metu mortis in aliquo audeat reuelare confessionem signo uel uerbo, generaliter uel specialiter, ut dicendo, 'Ego scio quales estis', et si reuelauerit absque misericordia debet degradari. (xxviii) Mulieribus²⁴ coniugatis talis iniungatur unde non reddantur maritis suis suspecte de aliquo crimine et enormi; et idem de uiris uxoratis seruetur; dum tamen sufficienti puniatur delictum et satisfaccio sit digna. (xxix) Precipimus²⁵ ut sacerdotes moneant subditos suos diligenter confiteri ter in anno et ter communicare scilicet in Pascha, Pentecoste, et in Natiuitate Domini, ita tamen quod se prius preparant per aliquam abstinenciam de consilio sacerdotis faciendam. (xxx) Quicumque autem semel in anno ad minus proprio non fuerit sacerdoti confessus uel alii de eius licencia, et ad minus in Pascha Sacramentum Eucharistie non perceperit, nisi de consilio sacerdotis duxerit abstinendum, et uiuens ab ingressu ecclesie arceatur, et mortuus christiana careat sepultura; et hoc frequenter exponatur. (xxxi) Nullus diaconus audiat confessiones nec penitencias iniungat, nec alia sacramenta ministret que concessa sunt solis sacerdotibus ministrare; clauis enim ecclesie non sunt concessae diaconibus, et ideo non habent potestatem soluendi et ligandi. (xxxii)

²⁰ Cf. R. P. § 40 'De maioribus peccatis'.

²¹ Cf. R. P. § 43 'Ne penitentia iniungatur sine restitutione'.

²² Cf. R. P. § 35.

²³ Cf. R. P. § 42 'Ne sacerdos reuelet confessionem'.

²⁴ Cf. R. P. § 33 'Qualis penitentia debet iniungi coniugatis'.

²⁵ Cf. Lat. iv, can. xxi.

Monemus et quod nullus sacerdos conscius mortalis peccati ad altare celebraturus accedat quousque per confessionem a peccati pondere exuatur. (xxxiii) Precipimus²⁶ in uirtute obediencie ut rectores ecclesiarum, uicarii, et sacerdotes annui confiteantur, saltem semel in anno, ei qui in decanatu in quo beneficium suum est, uel in quo degit, constitutus est a nobis ad audiendum confessiones harum personarum. Qui uero hec contempserit canonicè puniatur, et penam nobis et successoribus nostris reseruamus transgressoribus imponendam.

(xxxiv) Cum summa reuerencia²⁷ [adhibenda est] maxime ubi sacrosanctum Corpus Domini reseruatur; et precipimus²⁸ ut sacrosanctum Corpus Domini custodiatur sub clauē in pulchriori parte altaris cum summa diligencia, honore, reuerencia, et honestate. (xxxv) Precipimus et ut lintheamina et indumenta altaris, et maxime corporalia et omnia uasa ministerio altaris deputata, munda integra et nitida seruentur, propter reuerenciam et presenciam Saluatoris nostri et curie celestium qui cum eo presens adest quociens Missa celebratur. Similiter crismatorium sit competens, et ampulle sacri crismatis et olei sacri sub clauē custodiantur propter sortilegiam. Et si quis rector, uicarius, uel sacerdos in hiis fuerit negligens, grauiter puniatur. (xxxvi) Precipimus ut calices quibus infirmi communicantur, decorentur et mundi custodiantur, ut deuocius communicent egrotantes. (xxxvii) Non²⁹ permittant presbiteri diacones deferre infirmis sacramentum Corporis Domini, nisi in necessitate, cum sacerdos absens fuerit, sed semper sacerdotes cum magna reuerencia deferant et maturitate, in pixide bene clausa propter casum, et lucerna precedente, cantantes septem psalmos penitenciales cum letania in eundo pro infirmo et redeundo. Si uia longa fuerit, quindecim psalmos et alias oraciones; sic enim debitum persoluunt infirmo, et audientes imitantur ad exhibendum Domino reuerenciam et honorem et oracionem. Frequenter moneantur laici ut ubicunque uiderint Corpus Domini deferri ut statim genua flectent tanquam Domino et Creatori suo et iunctis manibus orent quousque transierit. Nulli clerico permittatur seruire altari nisi in superpelliceo aut capa clausa.³⁰ Clericus uero coniugatus non permittatur seruire altari nisi urgente necessitate. (xxxviii) Nullus sacerdos antequam matutinas dixerit et primam presumat aliqua necessitate missam celebrare. Nullus³¹ bis in die audeat missam celebrare nisi in magna necessitate, et si contingat quod huiusmodi necessitates eueniant, unum quo manus perfunduntur non sumat, quod si huiusmodi unum forte sumeret, talis perceptio celebracionem impediret. (xxxix) Caueant sibi sacerdotes ne eleuent hostiam sed caute teneant eam ante pectus suum quousque protulerunt hec uerba, 'Hoc est Corpus meum', quia si forte prius eleuarent circumstantes pocius creaturam adorarent quam creatorem.

(xl) Precipimus ut rectores ecclesiarum, uicarii, et capellani qui

²⁶ Cf. R. P. § 44 'Quod clerici confiteantur sacerdoti ad hoc deputato'.

²⁷ With this section correspond §§ 52, 53 of R. P., which, however, are much larger.

²⁸ Cf. Lat. iv, can. xx.

²⁹ Cf. R. P. § 61 'De Eucharistia reuerenter ad aegrum deferenda'.

³⁰ In R. P. § 62 it is ordered, 'et qui ministrant sacerdoti in altari superpellicio induantur'. Cf. § LIX *infra*.

³¹ Cf. R. P. § 58 'Ne quis celebret bis in die nisi in casu concesso'.

ecclesiis deseruiunt, vespervas, matutinas, et horas canonicas cantent in ecclesia cum nota et deuocione nisi magna necessitate impediti fuerint. (XLI) Sacerdotes semper ista renouent die octaua, scilicet fontem benedictum sacro oleo et sacro crismate, et sanctam Eukaristiam ne sui uetustate aliqui ad indeuocionem moueri ualeant aut errorem.

(XLII) Si per negligenciam euenerit³² ut, perlecto canone et peracta consecracione, nec unum nec aqua reperiatur in calice, debet statim infundi utraque et sacerdos reiterabit consecracionem ab illo loco canonis, scilicet, 'Simili modo posteaquam cenatum est', usque in finem; ita tamen quod illas duas cruces omittat quas singulariter fecit super speciem panis. Quod si de simplici uino uel aqua sine uino fiat consecracio, unum reputetur pro sacramento, sed aqua non reputetur; et ideo ista negligencia de aqua porrecta sine uino maior est et maiori penitencia emendanda; unum enim uix est sine aqua. (XLIII) Si autem panis per negligenciam omissus fuerit, statim addendus est et totus canon reiteratus scilicet a 'Te igitur Clementissime Pater' usque in finem. Si quid de sanguine Domini ceciderit super corporale, rescindendum est ipsum corporale et in loco reliquiarum seruandum. Si palla altaris inde tincta fuerit, rescindenda est pars illa et comburenda et puluis in sacrario reponendus. Porro si in ipsum sanguinem musca uel aranea ceciderit uel aliquid tale quod non sine uomitu et periculo corporis aliquo sumi potest, igne cremandus est et sanguis Domini sumatur. Illud tamen quod intus ceciderit prius debet in calice uino perfundi, et quanto caucius et diligentius fieri potest abluui, et postea super piscinam comburi, et illam ablucionem sacerdos sumat et cineres ponat in sacrario. Quod si de Corpore Domini super pallam altaris aliquid ceciderit, uel super aliquid uestimentum, non inscindatur sed uino abluatur et a ministro uel a sacerdote sumatur uinum illud. Quod si infirmo datum reicitur, prout diligentius potest recipiatur, et contritum cum uino in calice sumatur. Si integrum sumi non potest eo quod ore alterius proiectum est; reus autem huius negligencie et qui cum eo particeps fuerit culpe competenter subiaceant discipline.

(XLIV) Cum sacramentum Matrimonii³³ magnum sit in Christo et in ecclesia sacramentum, et tempore antiquo tanquam ante peccatum ab ipso Domino institutum in paradiso, et communis cum apud omnes gentes obseruetur; precipimus firmiter iniungentes ut sacerdotes matrimonium satagant commendare propter ipsius dignitatem, antiquitatem, et communitatem; et bona que sunt, fides, proles, et sacramentum; fides thori, proles ad cultum Dei, sacramentum Christi et ecclesie ut per ipsius ingeni commendacionem amplexus fornicacionis per contrarium reddunt [sic] detestabiles. Matrimonia³⁴ igitur cum honore et reuerencia et in locis honestis et in tempore congruo sunt celebranda; non cum risu uel ioco, ne contemnantur. Et si secunde uel tercię nupcie fiant, non in tabernis et commessionibus seu potacionibus, non in locis suspectis seu horis, sed palam et sobrie pertractentur. Et ut singuli de cetero certam formam contrahendi sponsalia uel matrimonia habeant, presentis sinodi auctoritate sub pena

³² Cf. 'Cautele alie . . . circa defectus vel casus que oriri possunt in missa': Missale Sarum, ed. F. H. Dickinson, Burntisland, 1861-83, cols. 651-6.

³³ Cf. Lat. iv, can. 1, and R. P. § 77 'De bono matrimonio commendando'.

³⁴ Cf. Lat. iv, can. li, lii, and R. P. § 78 'De reuerentia matrimonii'.

excommunicacionis statuimus ut nullum matrimonium, nulla sponsalia, sine presencia sacerdotis parochialis seu rectoris ecclesie et aliorum trium fidedignorum contrahantur. Et antequam fiat matrimonium per uerba de presenti, in tribus diebus dominicis aut festiuis a se distantibus quasi tribus ebdomadis, perquirat sacerdos a populo sub pena excommunicacionis de legitimitate sponsi et sponse qui debent coniungi, et ante fidem datam de matrimonio contrahendo, et ante hec tria edicta, nullus audeat aliquo modo per uerba de presenti matrimonia celebrare. Ubi ³⁵ uero sponsalia contrahantur per uerba de futuro, siue per fidei dacionem, siue absque fidei dacione; precipimus sub pena excommunicacionis ut huiusmodi contrahentes abstineant sese a carnali copula ad inuicem quousque matrimonium fuerit bannis precedentibus solemniter celebratum. Si qui uero contra huiusmodi preceptum matrimonium per uerba de presenti contraxerint, contrahentes interdicto artissimo per annum supponantur. Et si in eo decesserint denegetur eis ecclesiastica sepultura. Presbiter uero uel regularis persona que [sic] huiusmodi contractui interesse presumpserint per triennium suspendantur. (XLV) Inhibemus firmiter archidiaconis et eorum officialibus sub pena suspensionis ne huiusmodi penas pretextu alicuius comodi preciarum relaxare seu omittere uel communicare presumant. (XLVI) Precipimus et in uirtute obediencie ut nomina contrahencium clandestine et eorum qui huiusmodi contractui interfuerint, postquam de hoc constiterit, per decanum loci illius episcopo uel eius officiali in scriptis absque more dispendio insinuentur. (XLVII) Prohibemus ³⁶ districte sub pena suspensionis ne aliquis rector, uicarius, aut sacerdos, aliquid exigat pro matrimonio celebrando uel pro testimonio ferendo de legitimatione sponsi et sponse. (XLVIII) Nullus sacerdos audeat perficere matrimonium in casu dubio inconsulto episcopo uel eius prelato, sed ad eos semper referat omnes matrimonii dubietates. (XLIX) Adhuc precipimus quod si persone contrahere uolentes fuerint incognite, siue earum altera, nullus sacerdos presumat matrimonium per uerba de presenti inter ipsas celebrare, priusquam habeat litteras testimoniales a prelati suis qui earum noticiam habent, continentes quod legitime sunt persone ad contrahendum et apud illos eosdem facta fuerit trina denunciatio et solemnitas. (L) Semper ³⁷ in nuptiis prohibeantur per excommunicacionem sortilegia fieri. Malifici quoque et celantes consanguinitatem, affinitatem, disparem cultum, compaternitatem, que tantum quatuor a matrimonio excludunt personas compatrem, commatrem, filium et fratrem, uel sororem spiritualem, siue filium uel filiam, excommunicentur. (LI) Prohibeant ³⁸ et sacerdotes in ecclesia publice ne alterius coniugium transeat ad religionem aut recipiatur nisi per episcopum.

(LII) Quia ³⁹ sanctius paucos ydoneos habere ministros in ecclesia Dei quam multos inuites, prohibemus districte ne aliquis abbas uel prior, aliusue prelatus aliquem presentet ad ordines, nisi talem qui sit honeste

³⁵ Cf. R. P. § 80 'De clandestinis matrimoniis'.

³⁶ Cf. Lat. iv, can. lxvi.

³⁷ Cf. R. P. § 81 'De sortilegiis et maleficiis uitandis in matrimoniis et poena celantium impedimenta'.

³⁸ Cf. R. P. § 85 'Ne coniugati transeant ad religionem [in]consulto episcopo'.

³⁹ Cf. Lat. iv, can. xxvii.

uite et conversacionis, competentis litterature, et de legitimo matrimonio natus uel cum quo per sedem apostolicam fuerit dispensatum, et de hiis omnibus sibi constiterit euidenter. Prohibemus⁴⁰ sub pena excommunicationis ne aliquis presentatus ad sacros ordines faciat pactum suo presentatori quod non inquietabit ipsum super aliqua prouisione seu sustentacione sibi facienda; inhiibentes sub eadem pena presentatoribus ne huiusmodi pactum ab aliquo ordinando recipiant uel promissione; [alioquin] uterque tanquam symoniacus punietur. (LII) Inhibemus districte ne aliquis diaconus uel sacerdos alterius ordinacionis admittatur in ciuitate uel diocesi ista ad sui ordinis executionem antequam episcopo uel eius officiali de ipsius constiterit ordinacione, nisi tales qui longo tempore in ista ciuitate uel diocesi ministrauerint et honeste fuerint conuersacionis, et de eorum ordinacione non possit haberi probacio propter longi temporis diuturnitatem. (LIII) Precipimus ut sacerdos deferat oleum infirmorum cum magna reuerencia ad infirmos et eos ungat cum magno honore et oracionum celebritate que ad hec sunt ordinate, et nichil inde exigatur⁴¹ a paupere uel a diuite; sed cum gratis datum fuerit gratis accipiatur. (LIV) Ad sacramentum extreme unctionis populum moneant sacerdotes, nec tantum diuites et senes sed eciam pauperes et iuuenes omnes ex XIII annis et supra. Ad omnes se paratos exhibeant, et cum necesse fuerit, doceant frequenter sacerdotes hoc sacramentum posse licite reiterari et sepe recipi, scilicet in qualibet magna infirmitate ubi metus mortis, et post susceptum licite reuerti ad opus coniugale eum qui conualuerit de infirmitate. (LVI) Precipimus in uirtute obediencie ut quilibet rector ecclesie parochialis et uicarius habeat in ecclesia sua librum qui dicitur 'Manuale'⁴² in quo contineatur tocius ordo officii sacramentorum que per sacerdotem possunt conferri, scilicet Exorcismus salis et aque, Seruicium cathecismi et baptismi, Sponsaliorum (*sic*), Extreme unctionis, Commendacionis, Placebo, Dirige, et Seruicium Sepulture, ad usum ecclesie Sancti Pauli London., et usum eiusdem ecclesie seruent in sacramentis hiis conferendis. Uasa munda esse debent, sicut dicit Ysaias, 'Qui ferunt uasa Domini pollutum nil tangere'. (LVII) Precipimus⁴³ ut omnes rectores ecclesiarum, uicarii, sacerdotes, et alii clerici infra sacros ordines constituti, uicium luxurie fugiant. Uite mundiciam et continenciam sequantur. Nullus eorum habeat concubinam in domo sua nec alibi; nec domum alicuius mulieris frequentet unde scandalum possit exoriri de consuetudine inhonesta. Concubine huiusmodi nisi se correxerint, postquam canonicè super hoc fuerint monite, excommunicentur. Et si quis rector ecclesie, uicarius, capellanus, seu clericus infra sacros ordines constitutus, concubinam cognouerit existentem in excommunicatione, et postea celebrauerit uel ordines perceperit, irregularitatem incurrit et tanquam irregularis punietur; et suo beneficio spoliabitur si suo superiori uisum fuerit expedire. (LVIII) Prohibemus⁴⁴ rectoribus, uicariis, capellanis, aliisque clericis

⁴⁰ Cf. Lat. iv, can. xxxii.

⁴¹ Cf. Lat. iv, can. lxvi.

⁴² Manuale; cf. Dugdale's *St. Paul's, London*, ed. 1818, pp. 324-36, documents of 1295, 1298. See also § lxxxii, below.

⁴³ Cf. Lat. iv, can. xiv, and R. P. § 6 'De munditia sacerdotum et clericorum', and § 7 'De fornicariis amouendis'.

⁴⁴ Cf. Lat. iv, can. xvi. §§ LVIII-LX correspond to R. P. § 11 'De superbia vitanda'.

beneficiatis, ne pannis rubeis, uiridibus, vel croceis utantur. Hoc et illis inhihemus qui in dignitatibus sunt constituti, nisi causa iusti timoris in predictis habitum exegerit transformari. (LIX) Sacerdotes autem desuper clausa deferant indumenta; capis manucatis non utantur; sotularibusque consurciciis aut rostratis, sellis, frenis, pectoralibus, aut calcaribus deauratis, minime utantur.

(LX) Precipimus in uirtute obediencie ut omnes clerici infra sacros ordines constituti et alii qui deseruiunt altari coronam et tonsuram habeant competentem. (LXI) Precipimus⁴⁵ districte ecclesiarum rectoribus, uicariis, sacerdotibus, maxime ut a crapula et ebrietate abstineant; uenter enim mero estuans de facili spumat in libidinem. Et sacerdotes qui nocte dieque debent uisitare infirmos, solícite debent sibi ab ebrietate cauere, ne egrotantibus quibus in aduentu suo debent conferre remedium, passim inferant nocumentum, uel quod uerendum est ipsos extinguant. (LXII) Prohibemus⁴⁶ etiam ecclesiarum uicariis, sacerdotibus et aliis clericis beneficiatis ne causa commessacionis vel potacionis intrent tabernas, nisi in itinere constituti. (LXIII) Prohibemus⁴⁷ ne aliquis conuertat in alios usus lintheamina uel tuallia ecclesiarum seu etiam pannos crismales quam in usus ecclesie; ex quo enim dicata sunt non debent ad prophanos usus redire. (LXIV) Precipimus⁴⁸ ut cimiteria sint bene clausa propter immunda animalia; et tam ecclesie quam domus ad eas pertinentes competenter secundum facultates ecclesiarum edificentur; precipue quoque ecclesie sint decenter ornate tam in aliis uasis quam in uestimentis altaris. Omnes ludi et placita secularia a locis sacris penitus arceantur. (LXV) Inhihemus et districte ne terre ecclesiarum obmutantur [*sic*] pecuniarie laicis, et ne rectores uel uicarii de bonis ecclesiarum edificent in laico feodo ipsius collocentur [*sic*].

Redditus quoque assignati ad luminaria ad alios usus per rectores uel uicarios minime conuertantur. Nullus⁴⁹ clericus dicat sententiam aut proferat, set nec sanguinis uindictam, nec ubi exerceatur intersit, nec litteras dicat aut scribat pro uindicta sanguinis destinandas, nec uicuariis uel balestariis aut huiusmodi uiris sanguinis preponatur.

(LXVI) Cum⁵⁰ opera misericordie et maxime hospitalitatis omnibus debent esse accepta et communia, precipimus ut rectores ecclesiarum, uicarii autem et sacerdotes, parochianos suos sepe inuitent ad huiusmodi opera facienda. Ipsi quoque secundum facultates suas se exhibeant hospitales, quia 'non in solo pane uiuit homo, sed in omni uerbo quod procedit de ore Dei'. Et quoniam singulis diebus layci diuersis secularibus occupationibus detenti ecclesiam suam diuinum uerbum audituri frequentare [non] possunt, ideo sacerdotibus uniuersis precipimus ut omnes sibi subditos moneant et inducant quod ecclesiam suam festiuis diebus et precipue dominicis frequentent, humiliter et deuote illius diei obsequium

⁴⁵ Cf. Lat. iv, can. xv, and R. P. § 13 'Ne quis inuitet alium ad potationem'.

⁴⁶ Cf. Lat. iv, can. xvii.

⁴⁷ Cf. Lat. iv, can. xix, and R. P. § 26 'Quod . . . in usus ecclesie'.

⁴⁸ MS. 'Prohibemus'. Cf. R. P. § 99 'De reuerentia cimieriorum'.

⁴⁹ Cf. Lat. iv, can. xviii.

⁵⁰ There is a section, 14, in R. P. 'De hospitalitate seruanda', but it is quite different to this.

auditori, et secundum temporis instruccionem et uiuendi normam recepturi. Et ut ad hec liberius inuitari possint, mercata diebus dominicis celebrari prohibemus; secus autem agentes puniantur. Uiccialia tamen eisdem diebus sicut et aliis uendi possunt. Hec tamen non fiant dummodo missa cantatur.

(LXVII) Precipimus⁵¹ ecclesiarum rectoribus, uicariis, sacerdotibus, ut diligenter moneant mulieres quatinus pueros suos teneros caute alant, et iuxta se deuote non collocent ne opprimantur uel casu suffocentur. (LXVIII) Nullus⁵² recipiatur ad predicandum nisi sit autentica persona uel ab episcopo uel archidiacono missus. (LXIX) Prouideant⁵³ attentius ecclesiarum rectores, uicarii, et sacerdotes, ut pueri parochiarum suarum decenter doceantur ut sciant oracionem dominicam et simbolum et salutationem Beate Marie, et crucis signaculo se recte consignare, quia plurimi quidam [*sic*] adulti hec ignorant. (LXX) Precipimus ut cum laici ad confessionem accesserint diligenter examinentur utrum sciuerint predicta, et secundum quod expedit a sacerdotibus instruantur.

(LXXI) Inhibemus⁵⁴ ne beneficiati sint uicecomites ut balliuas laicas teneant uel earum firmas unde laicis potestatibus ad reddenda raciocinia obligentur. (LXXII) Inhibemus⁵⁵ et ne aliqui retineant plures curas animarum cum quibus per sedem apostolicam super hoc dispensatum non est. (LXXIII) Ad hec⁵⁶ precipimus ut omnes rectores ecclesiarum et uicarii residenciam faciant in suis beneficiis, nisi de nostra expressa se absentauerint permissione, uel euidenti necessitate de qua nobis posse constare. (LXXIV) Rectoribus⁵⁷ autem ecclesiarum et uicariis nobis subditis indultum esse uolumus ut parochianos suos qui decimas suas que usu solebant persolui detinere presumpserint post trinam monicionem excommunicacionis sentenciam feriantur [*sic*]. In aliis autem casibus preter sentenciam uel auctoritatem nostram quemquam excommunicare non presumant nominatim. (LXXV) Concedimus si rector alicuiusque ecclesie discedat in die Pasche uel postea, quod fructus sequentis autumpni percipiat; si autem ante Pascham discedat, recipiat sumptus duntaxat quos fecit in seminando terras, arando, binando, et warettando, secundum communem ipsius patrie estimacionem.

(LXXVI) Cum sanctorum reliquiis magna debeat reuerencia; illius corpori qui sanctus sanctorum est et in sanctis suis gloriosus alios facit sanctos, summus honor impendendus est; Ipsi itaque, cui honor est et gloria, honorem debitum conseruare uolentes; (LXXVII) sub interminacione anathematis firmiter inhibemus ne in cimiteriis⁵⁸ vel atriis ecclesiarum ludi uel lucte fiant, nec mulieres ibi coreas luxuriosas carmina canendo late dulcedine presumant, cum ex hiis Domini reuerencia et sanctorum honore contemptis, rixe et contenciones soleant euenire. Ne laicorum edificia

⁵¹ Cf. R. P. § 29, 'De pueris seruandis'.

⁵² Cf. Lat. iv, can. x, and R. P. § 73 'Ne praedicatores admittantur sine literis episcopi', which however is longer.

⁵³ Cf. R. P. § 5 'Qualiter sacerdotes debent adultos instruere'.

⁵⁴ Cf. Lat. iv, cc. xlii, xliii, and R. P. § 105.

⁵⁵ Cf. Lat. iv, can. xxix, which is itself a re-enactment of Lat. iii, can. xiii.

⁵⁶ Cf. Lat. iv, can. xxxii.

⁵⁷ Cf. Lat. iv, can. liii, and R. P. § 103 'De receptione secundi beneficii'.

⁵⁸ Cf. R. P. § 90 'De reuerentia cimiteriorum'.

in cimiteriis fiant districtius inhihemus. (LXXVIII) Inhihemus⁵⁹ et districte ne aliquis rector ecclesie uel uicarius seu sacerdos admittat alienum parochianum ex consuetudine ad diuina. Liceat tamen eisdem ipsum recipere tanquam transeuntem, dummodo non sit nominatim excommunicatus uel suppositus interdicto.

(LXXIX) Precipimus⁶⁰ ne archidiaconi uisitacionis officium impendentes eueccionis numerum in concilio generali statutum non excedant. Nec in hoscipiis onerosi existant, sed diligenter prouideant⁶¹ inter cetera que ad eorum spectant officium, quod Canon Misse secundum usum ecclesie Londoniensis emendetur, et ordo Londoniensis ecclesie in officio nocturno et diurno obseruetur, et quod sacerdotes sacramenta ecclesie rite deferant; et precipue prouideant quod sacerdotes sciant Canonis uerba et Baptismi in quibus uirtus sacramenti consistit, et quod in hac parte sanum habeant intellectum. (LXXX) Prouideant⁶² et quod lintheamina et ornamenta, uasa quoque in ministerio altaris deputata sint munda, nitida, et integra, et quod Eukaristia, crisma, et oleum sanctum sub clauibus custodiantur. Uideant utrum uinum est competens altaris ministerio deputandum.

(LXXXI) Habeant⁶³ et archidiaconi in scriptis redacta omnia ornamenta, libros, et utensilia ecclesiarum, et singulis annis suo conspectui faciant presentari, ut sic uideant que fuerint addita per diligenciam rectoris uel uicarii, uel que medio tempore per maliciam uel per negligenciam eorum perierint. (LXXXII) Prouideant et quod si post primum annum sue uisitacionis notabiles defectus inuenerint, terciam uel quartam partem omnium prouentuum ecclesie, sub testimonio duorum uel trium fidedignorum de eadem parochia, assignet ad huiusmodi defectus subleuandos, habita racione eius quod in huiusmodi defectus secundum approbatam locorum consuetudinem ab ecclesiarum parochianis ius consueuerit conferri. Ad quod faciendum eos uolumus prima racione compelli; et nichilominus archidiaconi faciant conscribi fideliter possessiones ecclesiarum; et si quas inuenerint illicite alienatas ad ius et proprietatem ecclesiarum per rectores earundem, faciant reuocari. Adhibeant et curam diligentem quod libri sint ad usum ecclesie Londoniensis, et maxime Manuale.⁶⁴ Et si quos rectores, uicarios, uel sacerdotes inuenerint in hac parte negligentes, eos grauissime subiceant discipline; alioquin pro negligencia aliorum penam si iustum fuerit reportabunt.

(LXXXIII) Caueant et archidiaconi et eorum officiales et decani rurales ne aliquem uocent ad capitulum pro aliquo crimine nisi super eo apud bonos et graues fuerit diffamatus; nec credatur dicto solius ministri uel bedelli super alicuius diffamacione. (LXXXIV) Inhihemus et sub pena excommunicacionis ne alicui indicatur purgacio maliciose, nec excedatur modus in matrimonio cum purgatur, nec gravetur is qui se debet purgare in assignacione loci uel termini prorogacione.

⁵⁹ Cf. R. P. § 19 'Ne quis alterius parochianum ad sacramenta ecclesiae admittat'.

⁶⁰ Cf. Lat. iv, can. xxxiii, and Lat. iii, can. iv.

⁶¹ Cf. R. P. § 54 'De Canone habendo missae secundum usum Sarum et [de] horis dicendis'.

⁶² Cf. Lat. iv, cc. xix, xxx, and R. P. § 62, which is, however, differently worded.

⁶³ Cf. Lat. iv, can. xxx.

⁶⁴ Cf. § LVI *supra*.

Manifesta peccata publice puniantur per suum iudicem et non satisfactione ecclesiastica. Quod fornicatores infamati super fornicatione plerumque iurant quod inuicem contrahent matrimonium, formam huiusmodi iuramenti duximus exprimendam, viz. hoc modo—'Iuro quod si de cetero te cognovero carnaliter, ex tunc habeo te in uxorem si sancta ecclesia permiserit.' Et mulier uice uersa dicat consimilia. Sed istud iuramentum nullatenus prestetur nisi utroque fornicatore presente. (LXXXV) Precipimus⁶⁵ ne aliquis ordinarius uel delegatus proferat aliquam sententiam excommunicationis, suspensionis, uel interdicti, in aliquem in scriptis nisi causa expressa sit propter quam huiusmodi sententia proferatur; quam causam in scriptis repetenti inhibemus exhiberi. Si quis autem iudicum hoc contempserit, noverit [se] suspensum ipso facto per mensem, uetitum ab ingressu ecclesie et diuinis, et nichilominus condempnabitur ad expensas et ad omnia interesse; et [si] immiscuerit se diuinis irregularitatem incurrit, super quam non nisi per summum pontificem cum eo poterit dispensari.

(LXXXVI) Si per negligenciam uel pressuram currat aliquis ad diuinum ordinem et credat se currere ad alium, potest ei indulgeri; ita tamen quod recipiat per manus episcopi illos ordines quos pretermisit. Et ita patet quod aliquis potest esse sacerdos qui nunquam fuit diaconus uel subdiaconus. (LXXXVII) Statutum est in ecclesia ne consecratur in calice cupreo uel stagneo, quia tale metallum prouocat ad nauseam. Similiter institutum est ne fiat consecratio in uase ligneo quia lignum porosum est et possent intrare aque gute [et] uini consecrati.

(LXXXVIII) Quoniam⁶⁶ Iudeorum cum filiis libere filii [sic] famulentur ancille, et quoniam ex cohabitatione Iudeorum cum Christianis in ecclesia, cui proectores (?)⁶⁷ ligni Dei, solet plerumque scandalum suboriri, precipimus quod de cetero Iudei non habeant mancipia Christiana et ut Christiane mulieres pueros Iudeorum nullatenus nutriant. Ad quod obseruandum tam ipsas nutrices et mancipia per censuram ecclesiasticam quam ipsos Iudeos per penam canonicam siue extraordinariam eisdem imponendam uolumus efficaciter induci.

(LXXXIX) Prohibemus et ut de nouo non constituantur sinagoge et ut ecclesiis teneantur ad interesse super decimis⁶⁸ et oblationibus in quarum parochiis commorantur. Alioquin ulcioni canonicis subiciantur; quia in modernis temporibus sibi inter Christianos et Iudeos inoleuit confusio, ut fere nulla differentia discernatur,⁶⁹ propter quod contingit et nonnunquam peruersis mulieribus, Iudei et Christiani e contrario commiscantur. (xc) Auctoritate Lateranensis concilii⁷⁰ firmiter precipimus quod omnes Iudei tam masculi quam femine in ueste superiori ad pectus tabulanea alterius coloris quam sit uestis deferant manifeste, ita quod utraque tabula duorum digitorum mensuram habeat in latitudine et IIII digitorum in longitudine

⁶⁵ Cf. Lat. iv, cc. xlvi, xlvi, and R. P. § 48 'Ne quis excommunicet nisi promissione praemissa'.

⁶⁶ Cf. Lat. iv, can. lxxviii. There is no section on the Jews in R. P.

⁶⁷ MS. 'poros'; I do not know what this stands for. [Possibly 'porosi ligni' (compare four lines higher up) was noted in the margin of the manuscript from which our text was copied, and was heedlessly inserted here.—ED. E.H.R.]

⁶⁸ Cf. Lat. iv, can. lxxvii.

⁶⁹ MS. 'feram nullam discernantur'.

⁷⁰ Cf. Lat. iv, can. lxxviii.

et ad hoc faciendum per censuram ecclesiasticam compellantur. Ecclesias de cetero nullatenus intrare presumant, et ne occasionem habeant ingrediendi inhibemus districte ne eorum deposita a clericis in ecclesiis conseruentur, et si hoc in aliquo modo presumptum fuerit grauiter puniantur.

(XCI) Statuimus eciam firmiter inhibentes ne quis Christianus societatem cum Iudeo contrahat in aliqua negociacionis specie uel eidem pecuniam aliquam ad usuram exercendam committat; quod si fecerit quis et super hoc conuictus, grauiter puniatur.

(XCII) Cum fuerit in ueteri Testamento magnus honor exhibitus templo, ad quod conuenire consueuerant Hebrei manu non uacua, et hoc tempore gratie succedunt ecclesie cathedrales⁷¹ et magis celebres, quibus sunt subdita ecclesiastica sacramenta, easdem saltem semel in anno ex antiqua consuetudine subditi uisitare tenentur, ut beneficiorum et oracionum que fiunt in eadem et in singulis locis religiosis ac ecclesiis parochialibus per totam diocesim participes fiant. Precipimus ecclesiarum rectoribus, uicariis, et sacerdotibus qui ministrant uice eorum, ut suos parochianos moneant atque firmiter iniungant quatinus in ebdomada Pentecostes processiones archidiaconorum diebus statutis seruent et ecclesiam suam cathedralem uisitent, ut tenentur. Et hec maxime penitentibus nota fiant, quoniam et ipsis et aliis penitencie iugo obnixis tertia pars penitencie illius anni quo matricem ecclesiam suam deuote uisitauerint, relaxantur ab antiquo, illis exceptis qui capitalibus criminibus grauius obligantur, et pro quibus omnibus et reliquis parochianis matricem ecclesiam debita deuocione uisitantibus tempore prefinito, missa familiaris omni tertia feria uacante specialiter pro uiuis, singulis et fere diebus pro defunctis in ecclesia cathedrali celebratur, psalterium et totum inter XXX Canonicos diuisim plene cantatur pro salute uiuorum et requie defunctorum.

(XCIII) Precipimus et sub districtione canonica ut singuli rectores ecclesiarum, uicarii, uel eorum capellani parochiales, de suis parochiis, et singuli decani per suos decanatus, de beneficiis fabricae ecclesie Sancti Pauli Londoniensis legatis seu quocunque modo debitis uel assignatis uel destinatis, fideliter et sine diminucione qualibet soluant, ita ut possint in tempore supradicto respondere, nichil ad usus suos de premissis sub pena excommunicacionis retenturi.

(XCIV) Ad tollendam diuersitatem que plurimum auxit in deuium et causa fuit scandali, dum quidam rectores ecclesiarum quasdam Sanctorum sollempnitates minus celebres officio uenerabantur sollempniter et iudicabant obseruandas, quasdam uero magis sollempnes apud nos minus debite recolebant. (XCV) Precipimus ut in mense Ianuarii Circumcisionem Domini, Epiphaniam, et Conuersionem Sancti Pauli cum honore et reuerencia iubeant obseruari; festum autem Sanctorum Fabiani et Sebastiani, Agnetis, Uincencii, debita deuocione in ecclesiis reseruentur, sed officio sine dampnosa mora celebrato, liceat parochianis operationes necessarias exercere. (XCVI) In mense Februarii Purificatio Beate Marie Uirginis per omnia sollempnis habeatur et Cathedra Sancti Petri. In festo Sancti Mathie Apostoli omnes operationes prohibeantur; opera tamen pietatis non inhibemus. (XCVII) In Marcio sola Dominica Annunciatio sit sollempnis

⁷¹ These Whitsuntide processions at the cathedral churches were customary apparently everywhere. See above, pp. 287 f.

ab omnibus. In festo Beati Gregorii post Missarum sollempnia opera pietatis concedantur. (xcviii) In Aprili festum Sancti Marci Euangeliste et Erkenwaldi⁷² ab omnibus obseruentur. In festis Sanctorum Alphegi et Georgii et Melliti⁷² post Missam operari concedimus. (xcix) In Maio festiuitates Apostolorum Philippi et Iacobi et Inuencionis Sancte Crucis ab omnibus iubemus obseruari. In festis autem Sancti Iohannis ante Portam Latinam, Sancti Dunstani, Sancti Ethelberti, sint in ciuitate ista sollempne [*sic*] propter reuerenciam reliquiarum que ibidem continentur. In Iunio Sancti Barnabe Apostoli, Natiuitatis Iohannis Baptiste, et festum Apostolorum Petri et Pauli, Commemoracio Sancti Pauli sint sollempniter celebranda. Festum Beati Albani⁷³ tantum in decanatu Middelsexiensi celebratur. (c) In Iulio Translacio Beati Thome Cantuariensis Archiepiscopi, et festum Beate Marie Magdalene et sancti Iacobi Apostoli iube sollempnia esse. In festo Margarete post Missam celebratam operationes necessarias fieri concedimus. In Augusto festum Beati Petri ad Uincula, festum Sancti Oswaldi⁷⁴ in ciuitate Londoniensi. Festum Sancti Laurencii, Assumpcionis Beate Marie, Sancti Bartholomei, Decollacionis Sancti Iohannis Baptiste, ab omnibus iubemus obseruari. (ci) In Septembri festum sancti Egidii suis peregrinis et suis ecclesiis sit sollempne. Natiuitas Beate Uirginis, Exaltacio Sancte Crucis, festum Sancti Mathei Apostoli et Euangeliste, Sancti Michaelis, ab omnibus obseruentur. (cii) In Octobri festum Dedicacionis ecclesie Sancti Pauli primo die mensis, festum Sancti Luce Euangeliste, Apostolorum Simonis et Iude, iubemus ab omnibus obseruari. Festiuitates autem sancte Osithe⁷⁵ et Ethelburge⁷⁶ in suis decanatibus iubemus esse solempnes. (ciii) In Nouembri festum Omnium Sanctorum sit summe solempne, dies et crastinus saltem donec sit defunctis per uniuersalis ecclesie suffragia subuentum, quies indicatur uniuersis. Festum Sancti Martini et sancti Eadmundi Regis et Martiris, Sancte Katerine Uirginis, Sancti Andree Apostoli, iubemus esse sollempnes. Festiuitates Sancti Eadmundi⁷⁷ Cantuariensis Archiepiscopi, et Sancte Cecilie Uirginis, et Sancti Clementis, post celebracionem Misse agriculturis non negentur. (civ) In Decembri festum Sancti Nicholai et Sancti Thome Apostoli sit cunctis sollempne, et uenerabilis Festiuitas Saluatoris cum festis sollempnibus que secuntur. Sollempnitas et Dominice Resurreccionis et Pentecostes per IIIor dies, et Ascensio Domini sollempniter celebretur, Dedicaciones quoque ecclesiarum et earum Festiuitates in suis locis sollempniter celebrentur.

⁷² Both Mellitus and Erkenwald were bishops of London and specially commemorated in the diocese of London.

⁷³ Festum B. Albani in mense Iunio : June 22.

⁷⁴ Festum S. Oswaldi (Regis Martyris) : August 5.

⁷⁵ Festiuitas S. Osithe, V. : October 7. (It was at one time kept on June 3. See Tropenell Cartulary, s. a. A. D. 1294, ii. 173, 391^b.)

⁷⁶ Festiuitas S. Ethelburge (Abbatissae) : October 11.

⁷⁷ St. Edmund Rich died in the year 1240 and was canonized in the year 1247. The name therefore was not originally here but inserted into the document later. In the same way it is found inserted into the present text of the Constitutions of Walter de Cantilupe, which, however, were put forth in the year 1240.

*Taxation and Representation in the County Palatine
of Chester*

ONE might suppose that the Close Rolls had been thoroughly ransacked long ago ; but students of constitutional history may be glad to note an incident there recorded, which certainly escaped Rymer and his editors. It should be remembered that upon the accession of Richard II the earldom of Chester was merged in the Crown ; and that neither Cheshire nor the bishopric of Durham sent representatives to the English parliament until much later. When a subsidy was voted by the second parliament of 2 Richard II, which met in April 1379, it appears that the officials at Westminster sent down a writ to Cheshire, as to other counties, except that in this case it was addressed to the justice and chamberlain, directing them to appoint assessors and collectors, and to levy and pay in the subsidy. Protest being made, however, the order had to be withdrawn, on the sound constitutional principle that the commons of Cheshire were not bound to contribute to a subsidy granted without their consent by the commons of other counties.¹ The same thing happened again in 1383, in regard to the subsidy of 6*d.* in the pound voted by the parliament which met at Gloucester that year.² When, however, the commons in parliament made representations, as they did in 4 Richard II,³ that the county of Chester, the bishopric of Durham, the Cinque Ports *et toutz autres semblables* ought to be charged *selonc leur avoir* towards the common defence, they seem to have been under a misapprehension. The writ of 3 Richard II shows plainly that the commons of Cheshire were not to go scot-free. It directs the justice and chamberlain *tam dominos et magnates quam communitates comitatus predicti convenire faciatis*, in order to vote a subsidy themselves. The words quoted have, I think, a significance of their own. If we compare the phrase with which the writ begins, *domini magnates et communitates regni nostri in ultimo parlamento nostro*, they seem to indicate that the assembly, or county court, was regarded in one aspect as the parliament of the Palatinate.

Mr. Lapsley has noticed a similar incident in the bishopric of Durham more than fifty years later.⁴ W. H. B. BIRD.

¹ Close Roll, 3 Richard II, m. 40*d.*, 4 Richard II, m. 36*d.* See *Calendar*, i. 322, 472.

² Close Roll, 6 Richard II, part ii, m. 14*d.*

³ *Rolls of Parliament*, iii. 94 a.

⁴ *The County Palatine of Durham*, pp. 117-19.

The Lords' Journals and the Privy Council Register

IN the *Acts of the Privy Council*, ed. Dasent, xxviii. 39, we are told that between an unfinished entry for 9 October 1597 and the entries for 16 October 'pages 17 and 18 are left blank in the MS.' These blank pages are apparently due to the loss of a leaf from an original from which the existing Register was transcribed, and the missing leaf has been discovered in an unexpected quarter. It is, in fact, printed as part of the *Lords' Journals*, ii. 191, at the beginning of the session 1597-8. That is not its place in the MS. Journals, where this missing leaf of the Privy Council Register is bound up at the end of the journal for 1572; but the editor of the printed *Journals* had the acumen to perceive that the dates were wrong. He did not, however, realize that the leaf contained entries totally different in form and substance from the contents of the Lords' Journals, and was a leaf containing minutes of the proceedings of the privy council for 11 and 12 October 1597. The source of this confusion of records is no doubt the circumstance that Thomas Smith, who had been one of the clerks of the council since 1587, was appointed clerk of the parliaments on 30 September 1597; but the detail indicates that the Lords' Journals and the privy council records require a more critical examination than they have yet received.

So far as the existing Council Register is concerned, the matter would have been simpler had there been a missing leaf instead of two blank pages; for the inference would then simply have been that the leaf had strayed to the Lords' Journals. But the blank pages imply a lost original, of which the Lords' Journals preserve this single fragment; in other words, the series of volumes Mr. Dasent has printed are not originals. Nor will it do to assume that this fragment is merely a rough note of one of the clerks of the council; for each of the principal entries it contains states that it 'is here entered in this Register of Council'.

A. F. POLLARD.

*A Relation of the Present State of Affairs in the
United Provinces, 1675*

THE following unsigned document is preserved in the Public Record Office, in the bundle marked S. P. Foreign, Holland, 198, which covers the time from January to April 1675. Its contents are not numbered in consecutive order, but this particular item is to be found nearly at the end. The pages are numbered 79-101 at the top, and 132-143 at the bottom. It is followed by an account

of the Spanish Low Countries, evidently by the same writer, but of comparatively little interest. The 'Relation' is dated 'about the last of April', 1675. It is written in a secretary's hand, apparently the same as that of several other papers in the bundle, and is probably a copy, presumably made by one of the clerks in the secretary of state's office.¹

The United Provinces were at that time disturbed by the quarrels between the Orange and the republican parties. The princes of Orange were supported by the army, the Calvinistic clergy, and the common people; they stood for the closer union of the provinces into a nation. The strength of the republicans lay in the burgher aristocracy, particularly in Amsterdam; they upheld the local sovereignty of the provinces and towns, and leaned towards France. Their policy was governed by the fear that the princes of Orange would make themselves kings, and put an end to their 'liberties', i. e. the local privileges of the towns, provinces, &c. William II was held to have justified this suspicion. During his son's minority, therefore, the government passed to the chief of the republican leaders, John de Witt. His brilliant rule ended in disaster. Holland was saved from an overwhelming attack by France and England mainly through the heroic patriotism of the young William III of Orange. The government passed to him, and the republican attitude towards his family was quite discredited, when suddenly the Guelders affair aroused all the old suspicions in full force.

In February 1675 the prince visited Guelderland. The provincial estates begged him to accept the sovereignty with the old title of duke. He wrote to the other six provinces for their advice. Some advised him to accept: Zealand, the second in power, was strongly against it. Before Holland, by far the most important, could decide, the prince rejected the offer. But his manner of so doing was not reassuring. He was plainly irritated: his answer to Zealand was very angry. Our 'Relation' certainly does not exaggerate the intense excitement caused by the affair. It appears also that contemporaries, probably even William III himself, thought the business at best ill-managed and foolish. But his conduct was not necessarily inconsistent with perfect honesty. It is possible that he had no designs on liberty, and in that case his indignation at such charges after all he had done for his country was natural. It should also be remembered that after he became king of England and his power in Holland was wellnigh absolute, he never made the least change in its constitution. For this refusal to mend a constitution fundamentally bad he has been

¹ Another transcript of this 'Account', also unsigned, was seen by the present writer among the S. P. Foreign in one of the volumes covering the years 1688-97; but the reference has been lost.

severely blamed by later ages. Perhaps it is explained by this incident. The Guelders affair may have been the excuse for the opposition of the republicans to William III, but it certainly was not the cause. The whole tone of this 'Relation' disproves it. Their distrust of the house of Orange was far too deep-rooted to be eradicated by any amount of prudence. In Count d'Avaux's words, they were people who must be afraid of something, and when they did not fear France they were afraid of the prince of Orange.

This sudden revival of the prestige of the republican party was the more important because it coincided with a crisis in the war and in Europe. Hitherto the Dutch had been on the defensive; but early in 1674 the English had been bought off by the treaty of Westminster. In the course of the same year the French had been driven back from Dutch territory. The remnants of the republican party, still keeping their old liking for France, and now supported by the numerous body of citizens who preferred commerce to revenge, urged that this was the time to come to terms with France, and to heal the wounds of their country by peace. On the other hand, the stadtholder and his followers declared that it would be mad as well as dishonourable to abandon their allies and exasperate them by such ingratitude. The United Provinces would be at the mercy of Louis XIV, and what that was they had learnt from the invasion of 1672. Any event which threw doubt on the disinterestedness of the prince of Orange enormously strengthened the peace party.

Few desired a European peace more heartily than did Charles II of England. He had no intention of breaking with France, to which he looked for financial and moral help. But the evidences of the king's leanings towards France exasperated his nephew, the prince of Orange. Essential as the English alliance was to William III in his struggle against France, it was scarcely more so than was his own friendship to Charles II. The treaty of Dover had not yet been discovered, but enough was known and feared to throw England into a dangerous state of excitement. This was intensified by the open conversion of the duke of York to Roman Catholicism, and his marriage to a catholic princess. The power of the malcontents was growing rapidly. Their chief want was an accredited leader in the royal family, and him they hoped to find in William of Orange. He had, of course, negotiated with them during the war. It was absolutely essential to Holland's safety to detach England from France; and since the king was Louis's pensioner the prince turned to the opposition. How far he listened to, or, what is more to the point, how far he acquiesced in, the desire of the malcontents to see him intervene openly in English affairs, and their hints that he might supplant his uncle James,

or even Charles, on the throne, is a matter for investigation. No doubt he speculated on his chances of the English succession. They were a commonplace of the diplomatic world. Whether his interest in the question passed just and lawful bounds, and whether he had continued his intrigues with Charles's subjects after the final conclusion of peace, would be a long discussion. The writer of this 'Relation' holds one opinion. It is reinforced by a paper early in the succeeding volume,² probably obtained by the same person, which gives a succinct list of such kings of England as had been killed or deposed, the argument being that parliament has the power 'to lay aside any King, that designs the Subversion of Religion, Property, and liberty of the People': it had been given to William during the war. On the other hand William, who alone could know his own intentions, when charged by Arlington at this very time with making trouble in parliament, asseverated his innocence in the strongest terms to Temple, who believed him.³

It was imperative for Charles II's comfort to detach his nephew from the English opposition. It could have been done at once by giving up the French alliance; but to that Charles would not yield. Lord Arlington, in a visit to the prince in December 1674, had tried without success to bribe him into revealing the names of his English correspondents. The next plan adopted was to try to get the information by means of some able agent in Holland. It was desirable at the same time to have a full and accurate account of the state of Holland, with the idea of reviving the republican party to keep the prince busy at home. Any other information as to the prince's intrigues would be useful; for whether Charles believed it or not he could at least use it as a weapon against his nephew, and as an excuse for his own treachery in the last war. Such a negotiation was carried on in 1674 and 1675, and the 'Relation' here printed is the chief or sole survivor of the reports sent to England as a result.⁴ Not a hint of it was breathed to Sir William Temple, the English ambassador at the Hague. He was no spy: and besides, though a loyal and able servant, was well affected to the prince, and believed that a sound friendship between him and the king was necessary to both. The chief worker on the English side was Sir Joseph Williamson, the secretary of state. Arlington took an active interest. The king was privy to all, but kept in the background. Arlington was a member of the Cabal, and had belonged to the French party.

² S. P. Foreign, Holland, 199.

³ *Letters*, iii, 158-62, 1701 (supplementary to Swift's edition).

⁴ The history of the intrigue is to be found in the *Calendar of State Papers, Domestic*, May to November 1674 (pp. 263-416): and its sequel is elucidated by Temple's *Letters*, vol. iii, in the spring of 1675.

Williamson had been his clerk; and having in this position become acquainted with several important secrets, his masters, so Evelyn says, had been obliged to advance him.⁵ His object now was to strengthen his hold on Charles by further services of the same sort.

The intelligencer in Holland to whom Williamson was introduced was Abraham de Wicquefort. The best account of his strange career is to be found in vol. i of his *Histoire des Provinces-Unies des Pays-Bas*, edited by L. E. Lenting (1861). Though a resident agent of the dukes of Lüneburg at the Hague, Wicquefort had often been employed by de Witt in the service of the states-general. In that capacity he had acquired an extensive knowledge of the government of the United Provinces, a wide acquaintance with the chiefs of the republican party, and deep devotion to de Witt. After the latter's death Wicquefort supplemented his income by sending secret intelligence to foreign countries, of course strongly coloured by his enmity for the new government. To him Williamson applied for the 'distinct and full knowledge of the instruments and means employed to work upon the Parliament and people here'. Wicquefort also supplied him with papers on the state of the Dutch government, navy, and army. He was told to 'spare nothing to oblige the friend among the Deputies' of the states-general 'for secret affairs'. He was also asked to send copies of the resolutions and treaties made by the states-general, and to describe the characters of their chief officers.⁶ In his last letters to Wicquefort Williamson told him that Arlington would visit the Hague in December 1674, which he did, and make further arrangements with him.⁷ It is probable that at this meeting it was decided to send over the author of this 'Relation' to make a full report. It may be that Wicquefort knew that the suspicions of the Dutch government had been aroused, and wished to find another channel of communication; or the English government may have thought two heads better than one. On 25 March 1675, just when the materials for this 'Relation' were being put together, Wicquefort was arrested; his letters to Williamson and others were found; and in spite of his character as envoy he was closely imprisoned for several years.

In S. P. Foreign, Holland, 198, there is a copy, by the same hand as that of the 'Relation', of a letter to 'Mr. John Belman', dated at Rotterdam on Tuesday night. It evidently served as a cover to the one which follows on the same sheet. This may be described as a preliminary sketch for the 'Relation'. It is sufficiently dated by the reference to the arrest of Wicquefort. The writer had conversed with many of the republican party, and seen de

⁵ *Diary*, 22 July 1674.

⁶ *Cal. of State Papers, Dom.*, 26 May 1674.

⁷ *Ibid.*, 6 and 17 November 1674.

Groot, the friend of John de Witt and a 'persona ingratisissima' to William of Orange. He mentioned the discovery of Williamson's letters and the examination of Wicquefort. We are therefore justified in assuming that the author of the 'Relation' worked in close connexion with Wicquefort. This explains the ease with which he obtained such valuable information on the resources of Holland, and on the councils of its government; and the cold distrust of the prince of Orange which pervades the whole. The writer had probably resided for some time in Holland under de Witt's government, perhaps in a diplomatic capacity. From his fervid devotion to Charles II and his indignation against the purveyors of secret intelligence from England, we may suppose that his loyalty was dubious and that he followed Wicquefort's occupation. He does not seem to know the inner councils of the English government, or to have a first-hand acquaintance with the prince of Orange or his immediate friends.

The intrigue of which this 'Relation' forms a part died out suddenly at this very time, and hence we hear little more of it. The end is told in Temple's letter to Arlington of 25 March 1675. Acting doubtless on Wicquefort's information, Arlington had written to William charging him with making trouble in England, and threatening to do the same for him in Holland. Unfortunately for him, Williamson's letters had just come to light. William saw part at least of the intrigue. He protested his innocence, went into a fury with Arlington, and wrote to him in terms which considerably startled that easy-going minister. A stop was put to the whole by the prince's serious illness. After his recovery peace was patched up, at least on the surface. It is probable that Charles did not really believe the charges against his nephew, but used them as a weapon against him, which had broken in his hand. He knew the truth of Temple's caution to Arlington, with reference to Wicquefort, as to the 'false Lights one is apt to draw from a certain race of Men, who live by Intelligence, . . . and raise matter out of the dust when none rises of itself, rather than appear useless by being silent'.⁸

M. LANE.

A Relation of the present state of affaires in the United Provinces written about the last of April of the yeare 1675.

- 1 Since the Reunion of all the Provinces, as they have been before the late Warre,⁹ each Province is obliged to pay their share in all charges of the State, as formerly, notwithstanding their great debts contracted, and their considerable losses sustained during the said Warre, and they have been readmitted into the Union upon the said Condition. The Inhabitants

⁸ Temple's *Letters*, iii. 158 *seqq.*

⁹ During the war, begun in 1672, the eastern provinces, Guelders, Overijssel, Utrecht, Groningen, and Friesland, were overrun by the French for a year or two.

of all the Provinces begin to plant and repaire their ruines in all the Cittyes, and in the Country, assuring themselves of greater safety, then ever, being possess'd with a belief, that those Provinces will hereafter prove invincible, tho' most Princes in Christendom joynd against them.

2 Their present Taxes are so great and so heavy, that all estated men pay their whole annual Revenue to the States, some are forced to pay for land that yeelds nothing; Proprietors of Houses pay the whole rent they yeild, and Merchants pay almost their whole gaine, and all they can doe is to preserve Stock or principal; There is one Merchant in Amsterdam that payes to the State above 2000 pounds sterling a yeare out of his Estate, Such as are of Quality, and Estatic Men, either themselves, or their Children, and sometimes both, live by their Civil, or Military Employments, These Taxes must continue, as long as this Warre, yet all generally conclude, as well the chiefe and knowing men of the Army, as Merchants, Cittisens, and those of the States General, that this can not hold out another yeare. One sole man I met with and a very able man, of the contrary Opinion, alleadging that they are able to continue the same Taxes for many yeares more, if the People be induced to continue the Warre, for every man of all ranks and qualitiyes has reduced himself to so great an Oeconomy, that such as kept Coaches keep none now, such as have had many Servants are contented with one, so that all manner of Expences is laid aside, and men are contented with a very litle Diet, to which being habituated it becomes easy, and find that they give to maintaine their Religion and liberty, but their former superfluityes and extravagancies.

3 What their Taxes and the States constant Revenues amount to, they say is not computed, nor can it hardly be; I am the Occasion, that the ablest man in each Province, is or will be writt to, to calculate it, if possible, and the Debts of each Province will be computed; monyes raised by the States General upon publicke Credit during their three last Warres with England amount to 74 millions of livres.

4 Since the beginning of this Warre, the Province of Zealand paid towards the Expences thereof about 24 millions of livres. The Province of Holland paid above 100 millions of florins.¹⁰ This Computation was made by those, who paid out the money, and given me by one of them.

5 The Deputyes of the Admiralties assume, that the States can hereafter, upon any Warre, sett out 150 men of Warre, the least whereof shall carry 50 Guns. This was averred by them to a considerable man of the States, who I have sett on to know the Certainty.

6 The States pay daily neare upon a 100 thousand men, for Sea and Land Service, they have 91 Garrison Townes and considerable Forts to man, and maintaine, I have a List of them. They pay neare upon 100^m Crownes a moneth Subsidiyes to their Confederates, besides the pay of their General Officers and their home charges.

Their Land-Forces consist of 60 thousand foot, and 8000 horse, all effective, as good men, and as well clothed as can be seen. Three hundred

¹⁰ These statistics about war payments are noted in the margin by another hand, which resembles Williamson's. There are some other marks, 'N.B.', &c., which have in like manner been added in the manuscript.

Companyes of Foot, that were to be reformed last yeare, are kept as yet from 3 months to 3 months at the Instances of the Confederates, especially of the Emperour and Spaine; and these are included in the number of 60 thousand. Amongst the foot there are at least betwixt 3 and 4000 French, and some daily run over to them.

Their Horse consists of 8000, and 1500 Dragoons, 23 Regiments, each Regiment of 6 Companyes there is one of nine, wherof one Laget a Frenchman is Collonel, each Company is paid at the rate of 80 men, but is obliged to have but 74, effective. The Commissary general of their Horse shewed me his Lists, and told me his Computation was 7000 horse doing duty.

Seven Princes of the Empire, besides him of the Howse of Nassau,¹¹ have Employment in the States Service, the Prince of Curland, the Prince Palatine of Berkenfeld, the Prince of Anhalt, the Prince of Wolfenbuttel, two Princes of Holstein Norbourgh.¹² The officers of most repute in the Army are the C. de Waldecke Maistre de Camp general,¹³ C. de Nassau General of the Horse, C. de Horne,¹⁴ General of the Artillery, Marquis Mompoullan Commissary general of the Horse, the Rhinegrave¹⁵ Lt general of the Foot, Fariaux one of their Major Generals, who resolves to quit the Service, haveing desired his License already, and the Pr. of Courland.

7 The People of these Provinces, and the States long passionately for a Peace, for a great decay of commerce is palpably seen in all their Cittyes, the common Carriers and Porters, who formerly had daily employment are now sometimes a whole weeke without any; the duties of Importation and Exportation of Goods amount to an inconsiderable summe to what they did formerly; the Cittyes seeme not so populous as they have been, the people seem weary of their Allyance with Spaine, and cry out already, that what they did in their defense was for their own Interest, and not out of love of them, that for a few thousands of men they sent to their defence, they maintained these 2 yeares great Armies and fleets, at vast Expences for their sakes, for at any time they please they can have a Peace with France, having now no debates with that Crowne; they attribute to the Spaniards' ill conduct the bad Successe of so many Armyes; that it is not reasonable to expect from them to begger themselves, for the defense

¹¹ Probably Maurice, prince of Nassau-Siegen (1604–79), grandson of Count John of Nassau, brother of William the Silent. He was generally known as 'Maurice the Brazilian', having governed Brazil for many years. He was field marshal and commander-in-chief of the cavalry in the Dutch army.

¹² All these were members of various minor princely houses of Germany, the numerous and impecunious offspring of which gladly supported themselves by following the profession of arms. Many such took service in the Dutch army.

¹³ George Frederick (1620–92), count, and afterwards (1682) prince of Waldeck. A soldier and a politician, he passed from the service of the king of Sweden to that of the elector of Brandenburg, and thence to the United Provinces. He was the prince of Orange's adviser in war and in German affairs. See his correspondence with William III, edited by P. L. Müller.

¹⁴ Probably a member of the family of which the most famous member was the Count van Hoorn, who was executed with Count Egmont in 1568.

¹⁵ The Rhinegrave belonged to an illustrious family of the Palatinate, hereditary marshals of Bavaria. There were several branches, all Lutheran. This is the 'young Rhinegrave', as distinguished from his father (d. 1673), the governor of Maestricht. The 'young Rhinegrave' commanded the Dutch infantry, and died in 1676 from wounds received at the siege of Maestricht.

of men that want means, and good will to save themselves; Those of the Magistrates put in by the Prince, reply, That it is true the Charges are very great, but must continue the Warre for their own Safety, which can not be without securing the Spanish Netherlands, that if they should abandon now their Allyes, they would be abandoned themselves on the first occasion, that the French continue exorbitant on the Conditions of Peace they propose; but the people seem not at all contented with these reasons, since the Sovereignty of Guelderland, which has alter'd very much, if not taken away, the affections of the People towards the Prince, and makes them look back with Compassion on de Witt's fate, they begin to lament his losse, and consider his Principles, beyond what could be expected, the least bad Success by Sea or Land will augment these sentiments.

8 Men look now upon the Prince, as a man of great dissimulation, and of great Ambition, but since the business of Guelderland, not of that prudent Conduct he was esteem'd for, and whom they must suspect for the preservation of their liberties. My Lord Arlington and my Lord Ossoryes visit did the Prince much good, till this Sovereignty was aimed at, for it was then confidently reported, and believ'd, even by the greatest Commonwealth-men, that they made him great offers, and he refused all,¹⁶ so that they all began to look upon him, as a very good Compatriot, and a Prince would doe well for the State, but the manner he carryed his designe for the Sovereignty of Guelderland, overthrew all, and raised such jealousyes of him, as during his lifetime he will not be able to deface. His own Conduct and those who he employed to carry on that worke, was very weak. The first motioners of it, were those he plac'd himselfe in the Government during the great confusion of the State, they were discovered to com to the Hague very often, and sometimes privately to conferre with the Prince and with Fagels,¹⁷ and that Expresses were sent often from the Hague to them, which argues it to be the Prince's own designe, and his going thither in person is held a great imbecillity; whereas if he had sent for them to the Hague, and refused this Offer without the Advise of any he would have gained all mens esteeme, and love, so that nothing afterwards could make them mistrust him, after such a refusall, and their beliefe of his having not yeilded to any of the great offers made by the Lords of Arlington and Ossery, nay a generous denial would have conduced more to his end. Then the Animosity he manifests against those of Zealand, in his Answer to their advise, given at his own entreaty, derogates very much from the esteeme the world had of his prudence, and lost him in a great measure the affections of that Province and of the People, who cry up their Magistrates for their advise to the Prince, and assure them, they will stick by them.¹⁸

9 And now men generally begin to suspect the Lord Arlington's conference with the Prince, their constant Correspondence, as they say, the Prince's private meeting with the Elector of Brandenburg, the Spaniards great kindnesse to him, the sending of Comte Waldecke to the Emperor,

¹⁶ See above, p. 307, and Temple, *Works*, ed. 1814, ii. 300.

¹⁷ Gaspard Fagel (1629-88), pensionary of Holland.

¹⁸ For the whole affair see above, pp. 305 f.

with a private Commission, his great Inclination for the continuance of the Warre, so that their apprehensions thereof, as well as a desire to have their Commerce free and open, and the State eased of the heavy burthen it lyeth under they all long for a Peace.

The People have no very great Esteeme for any of those about the Prince, they look upon them as men of no great experience, of no Interest, and of no ability to represent to the Prince what is best for him to doe, they believe that they all inspire and prompt thoughts of Sovereignty, they look upon Fagels, as a pensioner to the Prince, more than to his Province, or to the State, They say Waldecke¹⁹ is for striking up a close league with the Emperour, and his Party, for to make himselfe a Prince of the Empire, and erecting of his County into a Principality, The Rhinegrave is for his reconciliation and league with France, Monsieur Odyke,²⁰ a man of no great capacity, but knows how to gaine the acquaintances of the ablest men, pomp out their Sense and sentiments, and so by other men's abilities and Experience gets the Prince's favor and Esteeme. Monsieur Bentem,²¹ they consider as the man the Prince most confides in, and to whom he unbosoms his private thoughts, his feares, and his Pleasures, and as one that will never contradict him in anything. These are the Men, with some Ministers²² (I meane Predicants) whom the Prince doth very much court, and builds much upon, as haveing great Interest with the People that the Prince doth advise and consult with on all occasions; And whilest he makes the Magistrats of the Towns, hath these Predicants (who have great Interest with him;) the cheefe officers of the Army and Strangers at his devotion, the Prince thinks himselfe very secure.

10 All these men, that are most in favour with the Prince, are divided into factions amongst themselves, Fagels relies only upon the Prince, C. de Waldecke and the Pensioner cannot agree. The Rhinegrave, Monsieur Odyke and Monsieur Bentem are united, and cannot abide Waldeck, who I am assured lost much ground by his absence,²³ is proved by them a corruptible man: haveing received money of several for doing their businesse and interceding for them. The Prince of late hath caused an Oath to be taken by all in Civil and Military Employment, not to receive money or bribes from any body. Waldecke and Marquis Mompoullan²⁴ are no friends; for the last, as he told me himselfe, told the Prince, that Waldecke offered to save the life of an officer who was condemned to death for ten thousand livres, and the Prince would not have it come to light. Mompoullan is in very good esteeme; he assured me, being old and intimate friends, that the Rhinegrave is not well of late with the Prince, that the Prince trusts and consults only with C. de Waldecke in all affaires of moment at home and abroad. But a very considerable man of the States, and another of great Interest and relations assured me, that Waldeck's favor with the Prince is much impaired by his absence, and

¹⁹ See above, p. 311 n. 13.

²⁰ William Adrian of Nassau, lord of Odijk, belonged to the Beverwaard family, the illegitimate descendants of Maurice, prince of Orange.

²¹ Bentinck, the well-known friend and favourite of William of Orange, created earl of Portland in 1689.

²² The Calvinistic clergy.

²³ i. e. during his mission to the emperor.

²⁴ See above, par. 6.

that the Prince consults only with the pensioner²⁵ about all affaires of moment both at home and abroad ; And being inquisitive with whom the Prince consulted most about the affaires of England, I was assured by these very men that it was only with the Pensioner, and some Predicants that correspond with the Presbyterians of England and Scotland ; and that he does not communicate to Monsieur Odyke, but such things as he desires the Court of England should know.²⁶

11 The Prince is found no way inclined towards the French King, he will never forget he was heard to say, the demolishing of Orange,²⁷ and other usages of the French King ; he told one of the States, a friend of mine, who told me of it, that he heard the Prince say, he could not instance one Treaty that the French ever observed, but that the Spaniards and the Emperors of the howse of Austria observed theirs very religiously ; he told the same man his sentiments of the French King, which were not advantageous, that in both the Warres he undertooke he knew not to push his point, that he left of the pursuite of his Enterprize for his Pleasures, that his parts had more of ostentation than solidity in them, that Christendome was very much obliged to his ill Counsellours, for uniting all the Princes thereof against them ; that both the Kings of England and France have had it in their hands to destroy forever the United Provinces, but shall never have it againe ;²⁸ Upon other occasions the Prince expressed to this very man great dissatisfaction of his Entertainement when he was last in England,²⁹ and he advis'd the Prince to dissemble it, even for his own Interest with the States, who would consider him the lesse, if they knew he were so little considered there. Fagel is said to be a mortal enemy to the French.

12 I found the People not so much animated against the French as they have been, such as lived under their Government exclaime not against them, they say, their good order, behaviour and government ought to be feared by their Enemies, as much as their forces.

13 It is certaine, the Prince had once a resolution to make a strict Union with the House of Austria, and would have made an Alleyance, but that he was told, that it would prove his ruine, and that in order to this Union he sent Waldecke to the Emperor, under pretext to consult about the measures to be taken for this Campagne, and sent one into Spain a little before, that the relation of this man, and the States Embassadour at Madrid gives the disunion of the Ministers of that Court, of the Minority of the King, of Don John's Ambition, and the Queen's resolution to retire when the King takes the Government upon him deterres him very much,³⁰ And I am assur'd there is nothing of a private Treaty concluded between

²⁵ Fagel.

²⁶ One of Odijek's sisters was married to Arlington, the lord chamberlain, and another to the earl of Ossory, eldest son of the duke of Ormond.

²⁷ Annexed by Louis XIV in 1657.

²⁸ The references here are to the war of 1672.

²⁹ In the winter of 1670-1. He came to solicit the payment of debts which had been owing to his family from the king of England for more than twenty years.

³⁰ During the minority of Charles II of Spain, born 1661, his mother, Anna Maria of Austria, was regent ; but his illegitimate half-brother, Don Juan, son of Philip IV, aimed at securing authority for himself. In 1677 he succeeded.

him and Spaine, as yet, but assurances of continuing the Warre till such a Peace shall be concluded, as shall secure the Spanish Netherlands, which will depend on the Successe of this Campagne. C. de Waldecke having been, some few weekes before his departure, at a private supper with some of his friends about the Prince, and being a little merry and drinking to his health, he said, why should not Our Prince think of settling the Empire in his family, as it was formerly, since this Emperour had no issue,³¹ that he was young enough to carry on such a designe and other Expressions to this purpose which some have taken notice of.

14 As for their Preparations for this Campagne, when I left the Hague, it was resolved to send 24 men of Warre into the Balticke Sea against the Swedes.³² The Kinge of Denmarke, the Electour of Brandenbourg,³³ some of the Dukes of Lunebourg's³⁴ forces, and the Emperour's forces to act against them by Land. It was then in agitation to have a Squadron of ships in the Channel, and another in the Mediterranean Sea, which was to be employed against Messina,³⁵ for which the Spaniards were to lend 200,000 Crownes, as they have done since. They have deferred their resolutions about the Squadron for the Channel, not only for the Prince's Indisposition,³⁶ as I was then informed, but also for givinge no occasion of Jealousy at the meeting of the Parliament, which finding no necessity, will thinke it needlesse charge to give money for setting out any Squadron of ships, which they and the Spaniards apprehend should be employed for the assistance of the Swedes, (as the King is bound as they are informed of) by a private Article, and some of the States apprehend, that this Squadron should be employed against the Town of Amsterdam in the absence of all their ships, and their Coasts unprovided for, for there is a very bad understanding betwixt the Prince and that Towne, and they fear in the Conferences with my Lord Arlington something of this nature has been concerted for by the Prince. If the Prince goes himselve into the field, as then it was doubted of, because the Duke Villahermosa³⁷ declared he would head his own forces how inconsiderable soever, he will have his Army as considerable as he can, being he will act aparte by himselfe, they concluded he might bring about 40,000 men with him, since they need not send any forces against the Swedes, nor to have many men in their Garrisons, except such as are frontiers to Maestricht, which were to be reinforced with horse and foot.

15 It is also most certaine, that the last yeare the Prince consulted with severall of the States apart, to know [their sense of] what allyance they

³¹ Leopold I married three times, but the only two of his sons who survived infancy were by his third wife.

³² Sweden was the subsidized ally of France; hence, in 1675, after many requisitions by Louis XIV, the Swedish army entered Pomerania and threatened Prussia.

³³ Frederick William II, the Great Elector.

³⁴ The duke of Zell and the duke of Hanover, afterwards elector and father of our George I.

³⁵ The Sicilians, who had revolted against the Spanish rule, had received help from France. Messina still held out, however, but as France was at this time the chief sea-power in the western Mediterranean the Dutch sent their fleet to the help of their allies.

³⁶ A severe attack of small-pox during late March and April.

³⁷ Governor of the Spanish Netherlands and general of the Spanish forces there.

thought most necessary, and most advantageous for the maintenance and welfare of their State. I have this from one,³⁸ that was conferred with about it, and wrote as he went home all that the Prince said upon that Subject, and having named the King of England, a great ——³⁹ was then perceived to be in the Prince, who alleadged, that the 3 last Warres, were sufficient evidences that that Alleyance was not to be relyed upon, and the little Union which appeared betwixt the King and the Parliament, and the dissatisfaction the People had of the Duke of Yorkes Religion, would more entangle, than advantage them, and spake much in favour of the Howse of Austria, which alone preserv'd them from ruine. And when this man alleadged that the Spaniards were men who never forgett, nor forgive, he answered, the Case was much alter'd, that their Interest now was to preserve them, and they the Spaniards, that they have changed sentiments and maximes, and that if they had thoughts of revenge they might have done it to purpose in their late disorders and Extremities; but some of the States he consulted with, either found out, or at least are perswaded, he consulted at the same time with others of his intimate and bosome friends, of what Allyance was most convenient for his Interest that Waldecke was for the Emperor and the Princes of Germany, that the Predicants and others about the Prince advise him to make himselfe head of the Reformed Religion, and all dissenters from the Papal in Christendome, and have minded him of his neereness to the Crown of England, of his Interest with the People, who wished him their king already, and that the lesse he appeared in the King his Uncles favour, the more he was beloved and considered in England, that some have dared to insinuate, that they hoped he would live, to ioyne those Provinces to the Crown of England, and then exalt the Evangelical religion, as they call'd it, above the Romish; and 'tis certaine, this discourse coming to the ears of some, hath caused the States not to entertaime so considerable a body of English, as the Prince would wish, and makes them looke about them. Monsieur de Mares⁴⁰ the French Minister, that is so much in the favour and confidence of the Prince, told me himselfe, t'other day at the Hague, that a man of Consideration speaking to the Prince one day of something of that kind, he replied, he would rather be what he was in the United Provinces, than be a King of England, as his Uncle was; that he found the States more easy and more tractable, then a Parliament; and to repeat his very words in the language he spoke to me, *Le peu d'union qui est parmy les sujets du Roy d'Angleterre, et les semences de haine que les divisions précédentes ont laissées dans les cœurs sont des restes dangereux, qui marquent bien que ce grand corps n'est pas encore remis de ses maladies, et que sa guerison est semblable à la santé apparente de ces Visages sur lesquels un peu d'embonpoint cache beaucoup de mauvaises humeurs, Messieurs les Evesques croyent estre sur le throne, mais ils se trouveront à la fin trompez.* Som of the States told me, that they

³⁸ Perhaps Wicquefort's 'friend among the Deputies for secret affairs' mentioned by Williamson. See above, p. 308.

³⁹ Blank in the manuscript.

⁴⁰ Temple mentions (*Works*, ii. 295) that Arlington, on his visit to Holland in 1674, took with him Dr. Durel 'as a man fit to practise M. du Marast, a French minister, who was thought to have credit with the Prince'.

have assurances that notwithstanding all the faire words and promises my Lord Arlington was charg'd with, there was nothing yet positively concluded, nor would not be, till the Prince saw the Success of this Parliament, nor with the Emperor, untill the returne of C. Waldeck, and the end of this Campagne.

16 However it is most certaine, as I was informed by a considerable man, and a well wisher to his Majesty, that some of the chiefe Ministers or Predicants in Holland, have a strict Correspondence with some of the chiefe Presbiterians of England and Scotland, that some Parliament men, and of great credit in England doe correspond with the Prince, about matters of a high nature, these were the very words, that many others would faine correspond with him, and that some of them dissuade the Prince from a marriage with his Royall Highnesses daughter, being incapable to inherit the Crown, upon what grounds I know not,⁴¹ that the King should leave no stone unmoved to discover these correspondencies, and at any rate whatsoever, that none of the States was privy to them but Fagels, and that he was, that they have great assurances that the King will find the Parliament proceed with greater height and confidence than he expects, that the weakning of France will be aim'd at, that the D. of Laderdal⁴² will be put to it, and the King forced to abandon him, or prorogue, or dissolve the Parliament. These Points I have intimated in my first letters, from Rotterdam and Brusselles for to give timely notice, as I have done of such heads, before the precedent Session of the Parliament.

Now it is to be reflected on, as well as admired, that Strangers should know so positively what the Parliament would insist upon, at their meeting, as they have done before the last Session, and doe now before this Session, if what they say prove true. And with submission I think, if my Lord Arlington has effected a perfect reconciliation betwixt his Majesty and the Prince, he⁴³ ought to advertise his Majesty of all these practises, and the authors of them; yet when I consider that the Spaniards find the Prince not so forward to occasion troubles in England, as he was found to be last yeare, and that they attribute it to my Lord Arlington's conferences with the Prince, a man knows not what to say, but that the Prince thinks it below him to discover those Intrigues he has been intrusted withall, and an unchristian thing to occasion the ruine of such as confided in him, or for not knowing what to say to cover his own shame and confusion to have entertained, and at any times countenanced such practises.

Earl Temple and the Ministry of 1765

A QUESTION that has caused some difficulty to modern historians is, what considerations actuated Lord Temple in refusing to form a ministry with Pitt in May and June 1765.¹ The

⁴¹ Probably because Anne Hyde, the duke of York's first wife, was a commoner.

⁴² Lauderdale was then chief minister in Scotland, the last member of the Cabal left in power.

⁴³ i. e. the Prince.

¹ Lecky, *England in the Eighteenth Century*, iii. 91; Ruville, *Chatham*, iii. 150-2; Basil Williams, *Chatham*, ii. 174-7.

problem has been well stated by Mr. Winstanley in his work on *Personal and Party Government*, where he says :

It is not at all clear why Temple refused to come into the service of the Crown and why Pitt declined to form an Administration without him. Temple's conduct has been variously explained and probably no completely satisfactory solution will ever be offered. . . . Of a jealous and intriguing disposition, he was possibly provoked at the predominant part which Pitt had played in the negotiations, and considered himself to be of sufficient importance to be consulted before everything had been arranged. He was certainly angry at the consideration shown to the followers of Lord Bute and it is not out of the question that he believed the ministry as Pitt had formed it to be doomed to failure. He certainly told the King that he was induced to refuse the offer which had been made, because of the difficulty of forming a proper plan in regard to the house of commons. Pitt did not propose to attend parliament regularly, pleading his health as an excuse ; and Temple might justly feel that in his leader's absence, the ministry might easily be overcome by a joint attack of the members of the Whig opposition who had not been given office, and the supporters of the previous ministry. But Temple did not act from this motive alone : and he was loud in proclaiming that he was influenced by reasons of too delicate nature to be revealed. He was commonly understood to refer to his recent reconciliation with his brother, George Grenville ; but he always denied this interpretation of his words and asserted that the reconciliation was of a purely private character and destitute of any political significance. Thus the matter stands : the knowledge which Temple denied to his contemporaries has not been revealed to posterity ; and his action still awaits an explanation.²

This knowledge was not so completely denied to contemporaries of Temple as Mr. Winstanley infers. Horace Walpole,³ Lord George Sackville,⁴ the Rockingham party generally, did not enjoy Lord Temple's confidence, but his own circle was better informed, and, according to a letter of Augustus Hervey,⁵ the mystery seems to have been gradually divulged even among Temple's political opponents. It may indeed soon have become one of those open secrets which all know but which it would give offence to declare. George Grenville, who gives an account of the affair in his Diary for 25 June, shows no trace of doubt or curiosity :

Lord Temple came to town from Hayes early in the morning. Mr. Grenville went to him in Pall Mall before breakfast. His conversation was of the most cordial and affectionate kind to Mr. Grenville, but

² *Personal and Party Government*, pp. 234, 235.

³ *Memoirs*, ii. 132, 133.

⁴ 'His lordship always ends his explanation by talking of certain delicacies, but what they mean nobody can understand, and in short the whole of that transaction appears equally absurd and unintelligible' : 29 July 1765, *Rep. of Hist. MSS. Comm.*, ix, app., p. 21.

⁵ *Infra*.

he appeared under great agitation. He went at ten to the King, with whom he stayed about an hour. He absolutely declined coming into the King's service and wrote Mr. Grenville a note at twelve to tell him so. He came afterwards to dine with Mr. Grenville, and then related more at large what had passed, and told him the reasons he had assigned for not accepting the offer the King made him were two, the first of which was the difficulty of forming a proper plan with regard to the House of Commons; the second was of a tender and delicate nature, and which he therefore desired not to explain.⁶

Grenville here does not elucidate the 'tender and delicate' matter, but from his manner of writing there is little doubt that in their confidential meeting, if not before, he had been fully enlightened.

On 3 July Charles Townshend wrote to his brother, Lord Townshend :

My former letters were, as I told you, written upon conjecture, or at best loose information; but I can now speak to you with certainty. In the first place it is resolved that the present Administration shall not continue; in the next, Mr. Pitt's negotiation was on the Saturday accomplished and broke up by Lord Temple on the Monday, against Mr. Pitt's judgment, declaration, and most earnest remonstrance; nay, more, it did not break off on Mr. Grenville's account. Mr. Pitt and Lord Temple have differed entirely; Lord Temple would assign no reasons in the Closet, and Mr. Pitt remains with the King lamenting that he has not health and strength to undertake, without his family, for the relief of his Sovereign and his Country.⁷

Now Lord Temple and Mr. Pitt had not 'differed entirely' in any ordinary sense of the words. From the duke of Cumberland's statement⁸ it is evident that they demanded the same terms as to foreign policy, as to the restoration of the officers dismissed from the army on political grounds, as to honours for Chief Justice Pratt, and as to the illegality of general warrants; that in fact they named identical measures. They had 'differed entirely', then, not upon measures but upon men or upon one man. And he was not George Grenville. Charles Townshend knew this; his assertion is not 'Lord Temple says it did not break off upon Mr. Grenville's account'; but simply 'it did not break off upon Mr. Grenville's account'.

The key to the situation may be found in a phrase used by Temple to George Grenville on 3 July 1765, 'The plan of the provisional administration was, I think, Butal-Ducal';⁹ and in the duke of Cumberland's complaints of the earl's haughty demeanour, 'I cannot help saying that I think he was more

⁶ *Grenville Papers*, iii. 200, 201.

⁸ *Rockingham Memoirs*, i. 185-203.

⁷ *Ibid.*, p. 65.

⁹ *Grenville Papers*, iii. 64.

verbose and pompous than Mr. Pitt'.¹⁰ Lord Temple feared lest the duke of Cumberland should be about to serve as a new channel through which the royal influence could flow and swamp the authority of the ministers. Nor was he alone in this suspicion. That acute observer, Calcraft, told Shelburne that he had doubts of Cumberland's political integrity and independence.¹¹ And the duke of Bedford declared to Grenville that the object of the negotiations seemed to have been 'the uniting of, under the banners of the duke of Cumberland, the favouritism of Bute and the popularity of Mr. Pitt'.¹²

The theory that Temple's objection was to Cumberland is confirmed in letters of the following October and November. The duke of Cumberland died on 11 October, and on 2 November Augustus Hervey wrote to Grenville :

This stroke causes great uneasiness to these people [the Ministry], as I told you yesterday. The talk to-day is that Mr. Pitt is to be immediately negotiated with . . . and how they boast that Lord Temple's great objection is removed.¹³

Cumberland's death, then, cancelled Temple's difficulty, which he had explained to the king was 'of a tender and delicate nature', 'delicate' being the ordinary term among eighteenth-century politicians for negotiations of a personal character, and 'tender' denoting the duke's relationship to his majesty. Nor could Temple speak more frankly to George III than he did; he could not say, 'Your uncle shall not meddle'. But that the court understood him is proved in the immediate renewals of the attempt to gain Temple after the duke's demise. As early as 13 October we find the queen sounding the earl through Cotes, Mackintosh, and Graeme, and Lord Temple replying that he should have

the greatest happiness in contributing to the honour, ease, and felicity [of the Government] . . . if he can do it upon such clear ground as may allow him to hope for success in it. But that no consideration on earth can induce him to engage in Administration, unless he is assured he enters upon it with the King's full confidence and cordiality, because he knows these are essential to the capacity of doing his Majesty, or the country, any effectual service. That he wishes for no negotiations and

¹⁰ *Rockingham Memoirs*, i. 194.

¹¹ 'He [Pitt] went into arguments, is most determined to keep Lord Bute at bay. . . . The commendation of the Duke nettles and creates doubts of underhand manoeuvres between H.R.H. and Lord Holland': Letter wrongly dated May 1763, but quoted in this connexion; see Fitzmaurice, *Shelburne*, i. 329, 330.

¹² *Bedford Corresp.* 26 June 1765, iii. 300. See also Grenville's opinion, *Grenville Papers*, iii. 179-81.

¹³ *Grenville Papers*, iii. 106.

is averse to any interposition whatsoever; as nothing can be so agreeable or so satisfactory to him as to receive the King's pleasure from himself.¹⁴

Grenville refers to this or a similar message of later date in his *Diary* for 9 February 1766:

Lord Temple had intelligence from other hands of the Queen's favourable dispositions towards him, and of the King's dislike to his present Ministry. Lord Temple made professions of his zeal for the King's service at this dangerous crisis, saying that he was willing to show that all heat was subsided in his mind, and that he should esteem himself happy to be the instrument to rescue the King out of the hands of those who wanted and meant to take him prisoner; that even if the King had delicacies about sending to him after what had passed in May last, he would save his Majesty the blush by asking an audience.¹⁵

Lord Temple's objection, therefore, had been to Cumberland's influence. He was a proud and difficult man; he had played second fiddle to Pitt in the last ministry of George II's reign, but was unwilling to do it for any one else or even for him a second time. He would not come in to see his plans thwarted and his efforts neutralized by opposing currents—to be 'a great cypher'.¹⁶

One point remains to be dealt with. If Lord Temple had this dread of the ducal influence, how was it that Pitt, equally proud and independent, was in June willing to accept office? The answer may, perhaps, be found in Pitt's extreme self-confidence, which had hitherto been justified. He knew that man to man he could outmatch any potentate in the country; he feared the duke as little as he feared the king's friends or the whig malcontents, and went out of his way for him as little. When the duke was the instrument to summon Pitt to court, he received an answer that 'Mr. Pitt was penetrated with the King's condescension, . . . but without desiring to see His Royal Highness either before or after his audience'.¹⁷ And when Cumberland, proud of his successful embassy, 'had answered for Mr. Pitt's taking the Administration', there were already signs of a storm. 'The Chancellor seemed to understand that Mr. Pitt was a good deal displeased with the Duke's having answered for him, and the Duke as much so at his not having answered his expectations.'¹⁸ So although Pitt in his moment of disappointment termed Temple's defection 'an amputation', it seems not unlikely that sooner or later he might have been driven to share his brother-in-law's hostility to the duke of Cumberland.

G. M. IMLACH.

¹⁴ *Grenville Papers*, iii. 97-8.

¹⁵ *Ibid.* p. 360.

¹⁶ *Chatham Correspondence*, ii. 468; *Grenville Papers*, iii. 267.

¹⁷ *Newcastle Narrative*, pp. 22-3.

¹⁸ *Grenville Papers*, iii. 202.

The Comte d'Artois and Pitt in December 1789

IN the Chatham MS. 334 is a preliminary proposal of the comte d'Artois to Pitt, urging the intervention of Great Britain against the French Revolution. The document shows at how early a date the leaders of *l'émigration joyeuse* sought British help, in the belief that the supposed British aid to the French revolutionists would cease, and that other powers would then join the royalist league. The count claimed sole authority to act for Louis XVI and the comte de Provence because they were at Paris under the influence of the National Assembly, while he was free to act. They resented his assumption of authority. Calonne had become the factotum of the count by October 1789, when he published the first edition of his *L'État de la France* (see p. 416 of 3rd ed.); and in this *mémoire* he sets forth claims not unlike those which, on behalf of the French princes, he made to the German powers before and after the Pillnitz interview of July 1791. In the Chatham MS. 119 is a letter of Calonne to Pitt, dated 15 May 1790, in which he complains of receiving no answer to a *mémoire*. It is probably the one subjoined. In a letter of 5 October 1791 he refers to his making the acquaintance of Burke at Margate some time previously. Apparently, in December 1789 they had not met.

J. HOLLAND ROSE.

[All eyes are turned on the comte d'Artois, who by his courage and by his present position can restore liberty to Louis XVI and order to France, without which anarchy will turn the world upside down.] — ' M. le Comte d'Artois désire surtout l'approbation de la nation angloise : il voudroit concerter ses plans avec la Cour de Londres ; il se flatte qu'ils se concilieront facilement avec les vues qu'elle même peut avoir ; et il lui paroît aussi possible que convenable de faire trouver à l'Angleterre quelque avantage dans le rétablissement de la monarchie française. Il a confié ses intentions à un de ses plus zélés serviteurs ; il l'a autorisé à les communiquer sous la foi du secret aux ministres de S[a] Majesté Britannique ; et il les prie par son organe, de vouloir faire parvenir à leur vertueux monarque l'hommage de son projet pour lequel il espère le trouver favorablement disposé . . .

' Que pouvoient gagner les Anglois aux progrès les plus affreux des troubles qui agitent la France ? De quoi lui serviroit de les voir portés au dernier période ? L'entier anéantissement d'un Empire, dont les gloires naturelles sont impérissables, ne peut se prévoir. Tôt ou tard il doit se relever d'une crise passagère dont l'excès même bornera la durée ; et à supposer qu'il en doit résulter quelque démembrement dans ce qui forme sa domination continentale, il ne paroît pas qu'ils pussent tourner au profit de l'Angleterre ; ils ne feroient que déranger l'équilibre de l'Europe et y allumeroient bientôt une guerre générale. Est-ce donc seulement l'affoiblissement de sa rivale que l'Angleterre pourroit désirer

et voir avec satisfaction ? Mais dans ce cas son vœu n'est déjà que trop accompli et ne peut manquer de l'être en toute hypothèse. La France, ébranlée jusque dans ses fondements, a besoin de beaucoup d'années pour reprendre son assiette et ne sera pas de longtems en situation de donner des craintes à ses voisins. La diminution de ses forces est sans doute jusqu'à un certain point avantageuse à la nation Britannique ; mais elle cesseroit de l'être si elle étoit poussée à l'extrême ; si elle devenoit une dissolution totale ; si elle entraînoit d'une part la banqueroute de l'État, de l'autre la ruine de tout commerce . . .

' M. le Comte d'Artois, seul prince de la famille royale qui ait conservé avec sa liberté le pouvoir de reconquérir à la Maison de Bourbon ses droits légitimes, est désigné par elle et par les circonstances pour être son représentant, le dépositaire actif de ses intérêts, et le gardien de l'autorité royale pour l'exercer à titre de régent ou de Lieutenant-Général de la Couronne de France pendant la durée de l'interrègne actuel, et jusqu'à ce qu'il ait pu rendre à son frère le sceptre et la liberté. C'est en cette qualité qu'il doit agir, c'est avec elle qu'il rassemblera sous ses drapeaux tous les Français fidèles ; c'est par elle qu'il est autorisé à se mettre à la tête des troupes que les branches régnantes de la maison lui confieront, et c'est par elle aussi que, pour préparer dès à présent le succès de cette glorieuse et juste entreprise, il se croit fondé à invoquer l'intérêt et solliciter même l'accession de la Cour britannique.

' Comme il se propose de publier, au moment où il pourra faire eclatter son projet, un manifeste qui annoncera à toute l'Europe ses desseins, ses motifs, ses pouvoirs, et son but, c'est alors seulement qu'il s'adressera directement à l'auguste souverain de l'Angleterre, et qu'il formera la demande solennelle de son appui. Tout ce qu'il désire en ce moment est de pouvoir pressentir les dispositions, de connoître les offres qui pourraient lui plaire, et de se trouver en état de combiner son plan dirigé par les conseils du Roi de Sardaigne, son beaupère, de manière qu'il puisse s'accorder avec les idées que la Cour de Londre peut avoir conçues ou pourra concevoir pour la politique générale de l'Europe, qui naturellement doit prendre une nouvelle consistance d'après ce qui est arrivé de toutes parti[e]s et ce qui doit en être la suite.

' Le sort de la France y est nécessairement lié, ou du moins il est à souhaiter qu'il le soit, puisque c'est le moyen de cimenter le repos public sur des bases plus solides qu'il ne l'a été jusqu'à présent. On sait que le traité de 1756 entre les cours de Vienne et de Versailles a toujours été regardé comme l'interversion de l'ordre le plus naturel, et peut-être est-ce le plus grand obstacle à l'accomplissement si désirable d'une union intime entre les deux grandes puissances, qui, si elles étoient enfin solidement coalisées, jouiraient d'une prospérité inaltérable, régleroient par leur accord le sort de l'Europe entière, et rendroient possible le bienfaisant système d'une paix universelle. Si la rupture de ce traité faisoit place à une confédération bien cimentée de la France avec l'Angleterre et la Prusse, l'Assemblée Nationale, qui a déjà fait appercevoir son vœu, applaudiroit, le bien général en résulteroit, et ce grand événement qui concourroit avec la démarche de M. le Comte d'Artois (dont cette démarche pourroit même être le véhicule) favoriseroit et rendroit inébranlables tous

les arrangemens accessoires qui seroient concertés avec lui. Il les stipuleroit au nom de son frère, avec la garantie de toute la Maison de Bourbon, et il les feroit ratifier par le roi au moment qu'il le replaceroit sur le trône.

'M. le Comte d'Artois ne fait, quant à présent, aucune proposition précise sur ces arrangemens possible. Il exprime seulement le désir de procurer et assurer par les moyens les plus efficaces l'exécution de tous ceux qui seront jugés convenables, en partant du principe qu'il est juste en soi et nécessaire pour la satisfaction de la nation angloise qu'elle retire quelque fruit du service qu'elle rendroit à la France plutôt que de chercher à profiter de son désastre, et qu'elle trouve dans ce qui sera convenu en cette occasion non seulement la compensation des secours pécuniaires ou autres qu'elle auroit accordés, mais aussi les réunions d'objets à sa convenance que la France peut sacrifier hors du Continent,¹ et qu'elle sacrif[er]oit fort sagement lorsque ce seroit un moyen de [illegible] sa tranquillité intérieure et de se sauver des horreurs de l'anarchie.

'Les sûretés ne seroient pas douteuses ; elles seroient dans la chose même, et l'Angleterre les choisirait ; elles seroient dans la foi d'un prince loyal accrédité par tous ceux de son sang et stipulant en leur nom ; elles seroient enfin dans l'accession de toutes les Puissances confédérées dans cette glorieuse ligue, dont la cour de Londres seroit l'âme et le principal lien. Ses bons offices auprès de la Cour de Berlin seroient sûrement suivis de la détermination que M. le Comte d'Artois peut en espérer, et c'est le premier service que le fondé de ses pouvoirs sollicite aujourd'hui.

'Il ignore quelles peuvent être les dispositions de la Cour Britannique par rapport à ce qui vient d'arriver dans les Pays-Bas autrichiens ;² mais comme la sagesse que le Cabinet de St. James manifeste de plus en plus dans toutes ses résolutions ne permet pas de douter qu'il n'ait en vue sur cet important objet ce qui conviendra également à la justice et à l'intérêt général de l'Europe, son Altesse Royale est sûre de ne pouvoir que conspirer au même vœu. La nouvelle du jour est que la médiation de l'Angleterre va terminer les troubles de cette belle contrée, et que les Brabançons lui devront leur bonheur avec le rétablissement de leur constitution. Quel beau rôle sera celui de S. M. B., et combien de gloire n'ajoutera-t-elle pas à celle de son règne si la France lui doit aussi le retour de sa tranquillité, la jouissance d'une liberté sagement contenue, et tous les biens que la réintégration d'une autorité légitime peut seule lui procurer.'

[*Endorsed* : 'Recd. from Mr. de Calonne, Dec. 12, 1789.']

¹ A suggestion which finally led up to the acquisition of Corsica by Great Britain.

² A revolution had broken out in Brabant against Austrian authority.

Reviews of Books

The Ancient History of the Near East, from the Earliest Times to the Battle of Salamis. By H. R. HALL, M.A., F.S.A. Second Edition. (London: Methuen, 1913.)

MR. HALL has produced a history as complete and reliable as one can reasonably expect. A work of this kind, as he himself has realized, needs constant recasting and rewriting, as discovery follows upon discovery; but subsequent events have justified his determination to seize an opportunity when there was a lull, and publish the result. The preface of the first edition (dated November 1912), in expressing the hope that he may not have to wish that he had waited in order to register some new important fact or other, shows that Mr. Hall has taken to heart the risks of the historian in oriental fields, and it must be said that he has striven to avoid hazardous generalization, and has laid his foundations as securely as possible. Indeed, his book is a sound and valuable piece of work, and many, like myself, will be indebted to Mr. Hall for his clear and thorough investigation. It can freely be recommended to those who need something more than a sketchy, popular outline, and something less than an exhaustive survey of conflicting theories. Maspero's attractive and stimulating volumes have many merits; Eduard Meyer's *Geschichte* is a fine piece of diligence, but too uneven; one is glad, therefore, to find that Mr. Hall's book proves on examination to be a good example of the best English scholarship—independent, searching, and fair.

Of the general outlines of the history little need be said. Mr. Hall reviews the whole of the interconnected area—Greece and the Aegean, Asia Minor, Egypt, Babylonia, and the intervening Syria and Palestine. Chapter by chapter sections and periods are taken, so that 'the older civilization of Greece' is the prelude to archaic and historic Egypt, the early history of Babylonia comes between Early and Middle Egypt, the latter in its turn gives place to the Hittites and to the kingdoms of Syria and Palestine. The Assyrian empire naturally next claims attention, and we pass to the Egyptian revival and the Greek renaissance, and finally to the new Babylonian empire and the Medes and Persians. Throughout Mr. Hall keeps his threads well together, and he succeeds in demonstrating—what is very important—the organic connexions in the history of the area. There is, however, room for improvement in this direction, and perhaps more might be done in the way of tables, similar to the very useful one facing p. 516.

In the nature of the case there are many instances where opinions differ. And Mr. Hall generally has his own opinion. He has made good use of the usual authorities, and over some vital questions, e.g. the apparent 1,600 years between the XIIth and XVIIIth Dynasties of Egypt, he is

undoubtedly wise in departing from the old orthodox view. In general his chronology is eminently sane, for which—bearing in mind some books—we have every reason to be thankful. A history of this compass is likely to be of great value to biblical students, to whom a working knowledge of ancient oriental history, as it appears when looked at from a ‘secular’ point of view, would be a considerable help. Hence, of the points that occurred to me in reading it, I will limit myself to a few relating to the Old Testament.

And at the outset some account of the biblical sources is much to be desired in the opening chapter (‘Prolegomena’). Admittedly the subject is thorny, but Mr. Hall naturally uses some discrimination where the biblical evidence is concerned, and while, on the one hand, he goes to lengths that could disturb the more ‘conservative’ reader, on the other hand the more inquiring minds surely deserve a little guidance. His conception of early Israelite history (pp. 401 *seqq.*) involves a severe destructive criticism which is unfortunately inevitable, and a considerable amount of reconstruction which is hypothetical; but we miss the necessary remarks or foot-notes for the student. In his treatment of the Khabiri of the Amarna Letters he accepts the identification of the name with ‘Hebrew’, which is quite likely; but when he connects them with the invading Israelites, he ties himself up in a mass of difficulties which he seems hardly to realize. His account of the capture of Jerusalem (pp. 411, 427), like his sketch of Saul (p. 424), is really based upon a variety of sources without proper regard to the need for a preliminary criticism. So, too, when he observes ‘we can see that towards the end of [Solomon’s] reign the power established by David had weakened’ (p. 434), he overlooks the fact that the evidence to which he refers belongs to the earlier part of the reign, and really throws quite another light upon the history of the period.

The point of these apparently minor criticisms is that there are indisputable traces of very seriously conflicting representations of the history. This is not unnatural when it is remembered that the sources are composite. Hence it is unmethodical to construct a skeleton by the omission of disturbing data and by the promiscuous selection of plausible items. Mr. Hall’s book is a purely historical work, as is at once obvious from the notice taken of Moses and the prophets, and therefore a more historical treatment of the Old Testament was to have been expected. It would not have been difficult, at all events, to impress upon the student the difference between subjective and objective history, and Mr. Hall might thus have avoided what is a real and unfortunate weakness in an important portion of his book.

It may also be added that Mr. Hall adopts a quite unnecessary attitude to (the late) Hugo Winckler. Winckler was an historian of unusual originality and independence, and had all the defects of his qualities. But he raised Old Testament criticism out of the slough of ‘literary’ problems and stimulated oriental scholarship in many directions. Mr. Hall, while loyally referring to Dr. Budge’s pronouncement on the Musri problem, has let himself be misled; the question is not to be airily set aside, and bare justice has not been done to Winckler. Since oriental research is an international affair, there is no harm in asserting (in the turmoil of the

spring of 1915) what at once impressed me when I read the book on its first appearance. These remarks refer to small and local matters, and since so valuable a book as this is sure to establish itself, Mr. Hall may find himself able to make some adjustments when he prepares the third edition. On p. 371, n. 1, the Egyptian *selg* should be compared with the Hebrew *sheleg* or Assyrian *shalgu* rather than with the 'Semitic word *telg*', which can only refer to the Arabic and Aramaic forms which in fact have *th*. On pp. 205, n. 1, 404, n. 1, there are slight misprints in the abbreviations. That the name Levi is certainly pure Egyptian (pp. 408, n. 3, 423, n. 1) is, to say the least, unwarrantably dogmatic in view of the Arabian (Minaean) parallels, which Mr. Hall, who is elsewhere rather apt to rely upon Meyer where biblical history is concerned, might have learned from him.

STANLEY A. COOK.

Constantine the Great and Christianity; Three Phases, the Historical, the Legendary, and the Spurious. By CHRISTOPHER BUSH COLEMAN, Ph.D. (Columbia University Studies in History, Economics, and Public Law, lx. 1.) (New York: Columbia University Press, 1914.)

IN the first chapter of this pamphlet the author admits that the literature of the subject is already vast, but states that the very bulk of it and the wide divergences among those who have contributed to it call for a restatement of the case. On the other hand, he begins by saying that the sincerity of the emperor's motives is of little importance, and that the historian is only concerned with his public policy and outward expression of religion, which are matters of record and fact. To trace the career of a great statesman without considering his motives is, however, surely an impossibility, and the summary of the evidence which the author gives us (pp. 94-6) is therefore naturally a very colourless one. The work is divided into three parts: the historical Constantine; the legendary Constantine, as we see him in the Acts of Silvester; and the spurious Constantine, the author of the Donation; the last part including an interesting account of the exposure of this notorious forgery. A text of the Donation and extracts from the Acts of Silvester are given in an appendix. The work is well put together, and, as a text-book and bibliography of the subject, serves a useful purpose, but it does little to advance our knowledge or throw light on difficult points. It is evident both from the excellent bibliography and from the text itself that Dr. Coleman has spared no pains to make himself master of the subject, and it is hard to find any publication bearing upon the matter which has escaped him; but in connexion with Constantine's law about the *haruspices* notice should have been taken of M. Kugener's article in the *Revue de l'Instruction publique de Belgique*, lvi. 183, and besides Mombritus's Latin text of the Acts of Silvester there is a text in a black-letter book without title, supposed to have been published at Brussels in 1478 (Land, *Anecd. Syr.*, iii, p. xvii; Copinger, Suppl. to Hain's *Repertorium*, ii. 2359), and the latter part exists in a text published by Wicelius (Mainz, 1544). The author mentions the very rare Greek text of Combefis in his bibliography, but, as he makes hardly any reference to it, he probably had not direct access to it; and it should have been noted that its text agrees

closely with the Syriac texts and is shorter and probably more original than the Latin, on which Dr. Coleman chiefly relies. The statement on p. 162 that the Mombritian text does not contain the dragon story is erroneous. It is given after the Jewish dispute.

The work is unfortunately disfigured by numerous slips in such matters as names and numbers, the result of insufficient revision. 'Constantius' for Constantinus' (p. 48. 19) and 'Constantine' for 'Constantius' (p. 126. 15) may be the fault of the printer, as may 'Henry of Huntington' (p. 120) and 'Sozimus' for 'Zosimus' (pp. 129, 130), though the last occurs twice; but 'Soli invicti comiti', which appears several times, and the correct form never, must be the author's error. Further, on p. 144, the fourth century is called the third, on p. 215 the ninth century is called the eighth, and on p. 185 Otto III is stated to have lived in the twelfth century. It is also difficult to recognize the late Dr. Thomas Hodgkin under the name of 'E. M. Hodgkin' (p. 180). In the Latin quotations misprints abound. It is a more serious error when the well-known statement of Ammianus that Constantius II disorganized the postal service by allowing the bishops the use of it to attend synods is transferred to Constantine (p. 63); and 'one of the unimportant contestants of the throne who reigned in Gaul' (p. 113) is a strange description of the vigorous and successful Claudius II, who was in fact never recognized in Gaul. Surely also 'instinctu divinitatis' on the Arch of Constantine does not mean 'by his divine inspiration' (p. 48), but 'at the prompting of the deity', as Dr. Coleman himself takes it on p. 51.

The utility of the book for purposes of reference is greatly increased by the fact that it contains an index, an adjunct which is often omitted in monographs. It is odd, however, that the name of 'Döllinger', who is frequently cited in the volume, is not in the index. The reference in the bibliography to Mr. Baynes's translation of Ammianus, as published in 1912, is erroneous. It has not yet appeared.

E. W. BROOKS.

Contribution à l'Histoire de l'Ordre de Saint-Lazare de Jérusalem en France.
Par RENÉ PÉTIET. (Paris: Champion, 1914.)

FROM some time before the date of Pierre de Belloy's book upon the military orders (1604) the fortunes of the knights of St. Lazarus mainly depended upon the favour with which their claims to antiquity were received at the French court. Yet, with the exception of Count A. de Marsy's *Fragment d'un Cartulaire* (1883), the considerable literature upon the history of the order contains little of value. M. Pétiét has summarized the various points in dispute and sifted much new material, particularly documents relating to the seventeenth and eighteenth centuries in the Bibliothèque Nationale and the French archives. His work is indeed an analysis of records, connected by a running commentary, with numerous discussions upon the crusades, the history of leprosy, the legal position of the leper, and the quarrels between the French kings and the curia. This method of treatment is not very satisfactory: it is tedious, and it involves much repetition and the dangers of self-contradiction (e. g. compare pp. 104-5, 184). If M. Pétiét had contented himself with the briefest allusions to second-hand

information, and edited the most important documents with a business-like introduction, he would have set the history of the order upon a sounder basis. At the same time, we must be grateful to him for a work which brushes aside much rubbish and will be the starting-point of future study.

The early history of the order has necessarily attracted general attention, and M. Pétiet, after some discussion, accepts the usual view that the earliest brothers of St. Lazarus were not knights, but the ministers of a leper hospital at Jerusalem. The forty twelfth-century documents edited by M. de Marsy suggest this conclusion. The patronage of the great military orders and the necessity of segregating the knights afflicted with leprosy caused the conversion of this modest establishment into a military order about the middle of the thirteenth century. Gradually the brothers, many of them Syrians, gave way before the knights, and their eastern rule to the rule of St. Austin. Also in course of time, the society received members who were not lepers, and became a military order on the lines of the Templars and Hospitallers. M. Pétiet traces the right of marriage, possessed by the knights of St. Lazarus, to the reception of married lepers by the order. Although the order, when fully developed, traced its origin to the order established by St. Basil and claimed the right to control all hospitals and lazarehouses, it was never important, except for a short time after the important privileges granted in 1265 by Clement IV. M. Pétiet gives a brief account of the various European commanderies and houses, including that of Burton Lazars in Leicestershire. He adds nothing new upon this branch of his subject and is apparently unaware that a cartulary of Burton Lazars is in existence (Cott. MS. Nero C. xii). The later history of the order is the story of the various attempts made by French kings to utilize a decadent foundation in the face of clerical hostility. The best parts of the book deal with the grand masterships of Salviati and of the member of the family of Nérestang, with the ruse by which Henry IV circumvented the pope (he formed the unendowed order of Our Lady of Mount Carmel, which he immediately combined with the order of St. Lazarus), and the varying policy of Louis XIV. In 1668 an attempt was made to use the order on the sea in the cause of France. In 1672 the grand mastership was annexed by the Crown, and under Louvois, as the king's vicar, it enjoyed a new prosperity; but Louis's favour was lost after the minister's death and the king's reconciliation with the curia. The society existed until the Revolution under the patronage of the royal princes, but it had ceased at the time of its abolition to play a part in French administration. After the Restoration the surviving knights of St. Lazarus were permitted to resume their empty honours; the order finally disappeared with them.

F. M. POWICKE.

I Capitolari delle arti Veneziane, a cura di G. MONTICOLO e E. BESTA.
Vol. III. (Roma: Istituto Storico Italiano, 1914.)

THE lamented death of Professor Giovanni Monticolo on the 31st of October 1909 robbed Italy of one of her ripest scholars and Venice of her most scientific historian. Among the many labours—editions of the *Cronache Veneziane antichissime*, and of Sanudo's *Vite dei Dogi* in the new Muratori—

truncated by his death, the nearest to completion was his favourite task, the monumental edition of the Statutes of Venetian Guilds. Two volumes have already appeared (see *ante*, vols. xv. 564 and xxi. 146), and the third, the one before us, was all but ready for the press. The publication has been entrusted to the competent hands of Professor E. Besta. Unfortunately Monticolo had not written the preface, and Professor Besta, out of an intelligible feeling of *pietas*, has shrunk from supplying one of his own. We therefore lack that lucid exposition and analysis of the contents which characterized the earlier volumes. To complete Monticolo's exhaustive edition we are promised a glossary, which cannot fail to be of great interest, and an index.

The statutes printed in this volume are, for the most part, those compiled at the close of the thirteenth century, renewed, revised, and enlarged in the fourteenth and fifteenth centuries. The majority are preserved in the Museo Civico or the Archivio di Stato. They are often handsomely bound and in some cases are adorned with miniatures of considerable artistic value; for example, the *Capitolare* of the Cauldron- and Bell-founders contains illuminations belonging to the Murano school of painting, which have even been attributed to Bartolomeo Vivarini.

In previous notices we have called attention to the value of these statutes, not only as material for the economic history of the Republic, but also for the light they throw upon the daily life of the Venetian people, down to such details as the proper joints into which a pig should be cut up; the measures taken to secure the purity of sweet-water sand for building purposes, a matter of prime importance not always attained even to-day; we learn, too, that lanterns were to have their doors made of copper, so that the hinges should not rust. It is worth noting that the Comb-makers and Lantern-makers formed one guild, because horn was used by both; a fact which throws some light on the English word 'lanthorn'. Combs, apparently, were made of two materials only, boxwood and horn, and, according to the emblem of the guild, a lighted lantern and a comb, they were double-sided, one with close, the other with open teeth. The feast-days of this and most other guilds were Christmas, Easter, and Whit-Sunday, with their two successive days, New Year, Epiphany, Good Friday, the four feasts of the Virgin, the four feasts of St. Mark, St. John the Baptist, the Twelve Apostles, All Saints, and Sundays. The guild had the right to sell combs at stalls in the Piazza, but the stalls must be cleared away by midday. Though much in these statutes is, of course, the repetition of common form, yet they also present a mine of detailed information. Professor Monticolo's method spares no pains to furnish a perfect text with the record of all variants.

H. F. BROWN.

Select Bills in Eyre, A.D. 1292-1333. Edited for the Selden Society by
WILLIAM CRADDOCK BOLLAND. (London: Quaritch, 1914.)

IN the second volume of his edition of the *Year Books* relating to the eyre of Kent in 1313-14, Mr. Bolland discussed the significance of a large number of bills which he had discovered in the Public Record Office. The discovery has attracted some attention, and was dealt with by Sir

Frederick Pollock in a paper read at the Historical Congress of 1913. In the present volume Mr. Bolland carries the discussion further and edits, with all the care revealed in his earlier work, a selection of bills presented in the eyres of Shropshire of 20 Edward I, of Staffordshire of 21 Edward I, and of Derbyshire of 4 Edward III; also two or three cases of a Lincolnshire eyre of 14 Edward I, and some bills presented to a commission of justices sent to the Channel Islands in 1308, and to the justices at Berwick-on-Tweed in 1333.

Mr. Bolland has rightly modified the conclusions to which he was led in his earlier work. The *Year Books* of the eyre of Kent themselves contained cases, originated by bill, which were reported among the other cases as a normal part of the judicial proceedings; and the cases in this volume show that procedure by bill was by no means an extraordinary remedy reserved for the very poor. On the other hand, Mr. Bolland apparently refuses to regard the bill as the substitute for the writ in cases which arose while the eyre was in the county. If he is right in interpreting a Shropshire bill (no. 6, p. 3) to imply that chancery writs could be obtained locally during the eyre (p. xlv), proceedings by bill would be unnecessary and presumably not permitted where a writ could be had. Yet Mr. Bolland's conclusions are not very clear. Whereas Sir Frederick Pollock is inclined to see in the bill the antecedent of the bill in chancery, and to allow it, somewhat vaguely, an important share in the history of the eyre, Mr. Bolland is still content to treat it almost as an anomaly.

It is obvious that the 'putting in' of documents of one sort or another was an everyday matter during the eyre, and must have been so from a very early date. The *Year Books* of Kent show that the word 'bill' in Edward II's reign had the most general significance. Those who wished to claim franchises came to the bar by their serjeants, 'and the serjeant said, "See here, Sir, one who wishes to make claim to a franchise," and he put in a bill (*mist avant bille*), which was entered on the roll'.¹ The earl of Gloucester appointed attorneys 'in the presence of the court for all his pleas before the eyre by a general bill'.² Persons who had been attainted of conspiracy during the last eyre were compelled to withdraw themselves twelve leagues from Canterbury during the continuance of the present eyre, but if any such had to plead or was impleaded he might put in a bill and so be allowed to return.³ And the case is mentioned of a William Hore, who was brought to the bar, 'seeing that he had been found within twelve leagues . . . and was accused thereof [i.e. of having been attainted of conspiracy] *by bill*'.⁴ In this last instance, the word *bill* is used of an information, which, as we know from Bracton, could be brought by any person against felons. The bill of accusation, in this sense, was part of the legal system from the twelfth century, and Mr. Bolland has rightly distinguished the 'bills in eyre' with which he is concerned from bills of this kind.⁵ Yet these various documents which were 'put in' during an eyre are not irrelevant to an inquiry into the 'bills in eyre'. In the first place, they show that the justices were largely concerned with documents issuing from private sources—all called bills—

¹ *Eyre of Kent*, i. 55.

² *Ibid.* i. 27.

³ *Ibid.* i. 25.

⁴ *Ibid.* i. 10.

⁵ *Ibid.* ii. xxi-ii.

as well as with the presentment and indictment⁶ of the juries; in other words, there was nothing strange in the process. Secondly, it is possible to trace a gradation from the bill of information to the specific bill of complaint. We have first the informer's bill, next the bill of accusation against an official in reply to the inquiry by a commission, finally the bill of complaint against a private wrongdoer. The informer's bill is a natural consequence of that duty to inform against felons which was defined by the Angevin kings.⁷ The bill of accusation on inquiry has an equally clear history: it would be difficult to draw a line between the replies of witnesses to a commission of inquiry into the conduct of sheriffs and a written statement of grievance. Constitutional historians have laid so much stress upon the jury as the means of inquiry that the part played by individuals in the collection of evidence has escaped proper attention. The charges against the judges before Edward I's famous commission were doubtless made originally in the form of bills, like the bills which were presented by the inhabitants of the Channel Islands in 1309, and which are printed by Mr. Bolland as equivalent to bills in eyre. The Channel Islands bills are identical in form with the private bills of complaint, but they were all presented to 'the justices sent to the Isles by the lord the king to give amends for and to redress the trespasses which have been done against the Islanders by certain bailiffs and ministers' of Sir Otto Grandison (p. 139).

Further study of these analogies might help to explain the form of the bill and its development in the eyre, which was essentially a court of *inquiry*. But the bill in eyre seems to fall into its place even more naturally if it is regarded as a *petition*. Sir Frederick Pollock has noticed the similarity between the bill in eyre and the bill in chancery; yet I venture to think that it would be erroneous, on the strength of this similarity, to suggest that the bill in chancery developed from the bill in eyre. The latter was a form of the *petition*, just as the bill in chancery was, and is not to be distinguished from the numerous written petitions which can be traced from the reign of John. The slips of parchment presented to the king, parliament, the council, the treasurer, the chancellor, and individual councillors are very similar to the bill.⁸ The justices in eyre represented the king and were the proper recipients of petitions. 'In adventu iustitiariorum ad omnia placita,' says Bracton, '. . . pertinent ad eos audire *querelas singulorum et petitiones*, ut unicuique iustitia fiat.' Put into writing, such a petition would be a bill. And at the same period, as early as 1244, it was one of the duties of the king's councillors to hear the complaints of individuals.⁹

⁶ The ordinary presentment is carefully distinguished from the indictment in the *Year Books*. The sheriff was expected to deliver three kinds of documents to the justices—'les roules prestetz et les enditements et les pleez qe tocherent la Coroune' (*Eyre of Kent*, i. 23). The meaning of these distinctions requires elucidation.

⁷ On the procedure by which bills of this kind were presented to the juries during an eyre see *State Trials of the Reign of Edward I*, ed. Tout and H. Johnstone, p. 68; quoted by Mr. Bolland in the *Year Books of the Eyre of Kent*, ii. xxii n.

⁸ See the facsimiles of two petitions to the king and council in Henry VI's reign in Baldwin, *The King's Council*, p. 395.

⁹ Baldwin, pp. 65-6.

There is, then, nothing remarkable either in the form of the bill or in its presentation to the justices. The exact date of its appearance as a *written* complaint is a detail of much diplomatic interest but was not an innovation of constitutional significance. Very few written petitions survive from Henry III's reign, and no bills in eyre have yet been discovered of an earlier date than those in this volume. If, however, we turn from the constitutional to the legal aspect of the bill, we are faced by a further question: Is there any reason why this method of procedure should have flourished in the end of the thirteenth and the first part of the fourteenth centuries? Mr. Bolland is at home with legal, if not with political, literature, and it is regrettable that he has not attempted to discuss this question. The historical student can only make a suggestion or two. The petition to king and council developed very largely through the limitation in the number of processes which could be originated by writ. To what extent was the bill a remedy for cases in which a writ could not be issued? Most of these cases (apart from cases of assault) are cases of debt, trespass, breach of contract, and the like. Legal historians tell us that at this time the scope of the actions of detinue and debt was limited, that the civil action of trespass hardly existed, and that a sealed document was a necessary antecedent of a breach of contract. It is difficult for a layman to suggest whether the cases in this volume fell beyond the scope of these actions. Certainly, some of the cases of debt depend upon a promise rather than a tangible *quid pro quo*, and would therefore seem to lie outside the action of debt. In some of the cases of breach of contract it is very unlikely that there had ever been a sealed engagement. And at the period when the action of trespass was only just beginning to give rise to the distinction between misdemeanour and tort, a complaint by bill must have been a very natural remedy. One wishes that Mr. Bolland had investigated these matters.

Another question suggests itself. Was the bill in criminal or semi-criminal cases an alternative to the appeal? Earlier in the thirteenth century accusation by appeal was common in the eyre, but by the reign of Edward II, as several cases tried in the eyre of Kent show, it was subject to perplexing rules and exceptions. Procedure by bill was, in a sense, a simple form of appeal: the pledges for appearance and the use of the jury were common to both. Moreover, if the cases edited by Mr. Bolland prove anything, they prove the necessity of methods of accusation open to individuals. They show that the grave charges brought against the juries of presentment in the Statute of Winchester were more than justified; to read them one would think that the tithing, the hue-and-cry, and the sworn knights of the hundred had never existed. A simple form of the appeal was essential during the interval between the breakdown of the system of corporate responsibility and the reorganization of criminal jurisdiction through the justices of the peace.

This suggestion leads to a last question: Was the bill in eyre one of the signs that the shire court had lost its effectiveness? To some extent, it is clear, the bill was an instrument in the transition from the period of shire court jurisdiction to that of the common law courts and the justices of the peace. The cases of debt read very like cases which,

before the Statute of Gloucester, would have been tried in the shire court; they frequently involve fairly large sums, but may not have been remediable by writ. In any case it must have taken some time for the chancery to make the adjustments permitted to it in the issue of writs. But the shire courts had failed in a deeper sense. They had failed to protect the poor. A leading case in the history of the shire court illustrates its failure as early as 1226. When the stewards and knights of Lincolnshire struck against the sheriff's attempt to hurry on the congested business of the court at the expense of their rights as doomsmen, they asserted their own rights, but they incidentally thwarted the sheriff's desire to see justice done to the poor.¹⁰ Of the seven-score cases left unheard, we may well imagine that the majority dealt with just those matters which came by bill before the Edwardian justices. One may suspect that, as the instrument of the poor and defenceless, the bill in eyre was a substitute for an action in the shire court.

These are some of the questions suggested to me by the cases in Mr. Bolland's book and by his own comments upon the bill in eyre. His introduction contains much interesting matter, directly or indirectly bearing upon his subject. He refuses to accept the old derivation of bill from *bullā*. Spelman was sceptical of this derivation nearly three centuries ago; but it was accepted by Ducange, Littré, and the *New Oxford Dictionary*. As Mr. Bolland points out, the papal bull (in the sense of a document) was a very different thing in the thirteenth and fourteenth century from the *billa* or bill. The editor of this Review reminds me that he might have carried his argument a good deal further. *Bill* was in common use at the close of the thirteenth century; the bull, as historians of diplomatic have shown, only became the name of a document, as well as of the papal seal, in the pontificate of Innocent IV, when the bull of the intermediate type (*ad futuram rei memoriam*) was invented. It is very improbable that the word in its new sense could have developed an unlaut and acquired a provincial meaning as the name of a very different and informal document within a few decades.¹¹ Spelman preferred an A.S. *bille*, which is apparently non-existent, as the origin of the word; and Mr. Bolland suggests that it is simply a corruption of its synonym *li-bellus*. He gives abundant proof of the use of 'libel' and bill in the same sense; but this is of course not proof of their identity.

In his earlier work Mr. Bolland accepted Sharesull C.J.'s dictum that the King's Bench is 'Eyre and higher than Eyre'. He now repudiates it for two reasons: (1) because there is no trace of procedure by bill in the court of king's bench; (2) because, in the royal writ of summons, the king ordered the sheriff to proclaim that cases pending before 'our Justices in Bank' must go before the justices in eyre. Britton speaks to the same effect. Neither of these reasons justifies Mr. Bolland's change of view. The king's bench had the power to amend false judgements, but it was the supreme common law court, and not possessed of the

¹⁰ Pollock and Maitland, *History of English Law* (2nd ed.), i. 549, 550; Bracton's *Note Book*, pl. 1730.

¹¹ Dr. Poole adds: 'Ducange's example of *bullā*, meaning *schedula*, in the ninth century rests upon a mere misunderstanding of a passage in the *Liber Pontificalis*.'

equitable jurisdiction suggested by the procedure of a bill. The writ of summons and Britton both refer to the court of common pleas, the bench, not to the court *coram rege* or king's bench. Mr. Bolland in reality strengthens his former view by quoting a dictum of Spigurnel J., during the eyre of Kent of 1313. The *Year Books* which report the dictum refer explicitly to the *king's bench* :

Nota qe tout les ples qe son deuant le Roy demorent ileuques deuant le Roy sans venir en Eyre par comune Sumons de Eyre ;

and one manuscript adds erroneously

Secus est in communi Banco.¹²

On the other hand, Mr. Bolland is undoubtedly right in modifying his earlier views on the authorship and language of the bills.¹³ Definite conclusions are impossible, owing to the casual character of the endorsements, but Mr. Bolland shows that the bills were written by officials, occasionally perhaps by the bailiffs of the hundred, but generally during the eyre. I should like to have his opinion on the suggestion put forward in my notice of the *Year Books* of Kent, that the sheriff's clerk who was set aside to deal with bills may have written down the complaints of the petitioners. How many bills belonging to the same eyre are written in the same hand ?

The most interesting documents in this volume are the complaints made by the Channel islanders against Sir Otto Grandison's officials. Together with the report of the commissioners, from which Mr. Bolland quotes in his introduction,¹⁴ they throw light upon the relations between the islands and the English government, and help to complete the classical study of Julien Havet on 'Les Cours royales des Îles Normandes'.¹⁵ They show the kind of case with which the commissioners had to deal. Mr. Bolland seems to misunderstand their action in referring certain kinds of cases to the king's council. He regards the presence of itinerant justices and of commissioners of *quo warranto* as tyrannical, and their reservation of cases as a breach of the islanders' privileges. The system of judicial visitation had, it is true, commenced late, in 1265; but there is no reason for believing that it was illegal. Commissions of *quo warranto* were as necessary in Jersey as in Kent or Yorkshire. The so-called charter of King John, which Mr. Bolland quotes to prove the impropriety of referring difficult points from the commissioners to the king's council, was declared by Le Geyt two centuries ago and proved by Havet in 1877 to be a fabrication of the seventeenth century, based upon Henry III's inquiry of 1248 and a petition of 1333.¹⁶ The eighth article, upon which Mr. Bolland relies for his argument, comes from the later document. The commissioners appear to have dealt fairly with the islanders. They referred points of financial difficulty and cases which concerned officials who no longer resided

¹² *Eyre of Kent*, ii. 205; misprinted iii. 205 in *Bills in Eyre*, p. xvii n.

¹³ Cf. *ante*, xxix. 361.

¹⁴ Mr. Bolland does not give in this volume the sources of his documents. The report of the commissioners is apparently translated from the *Placita quo warranto*.

¹⁵ *Bibliothèque de l'École des Chartes*, xxxviii, 1877, 49 *seqq.*

¹⁶ *Ibid.* pp. 51-4.

in the islands to the king's council, presumably the council sitting in the exchequer.¹⁷ In his remarks on Sir Otto Grandison, Mr. Bolland states that he has been unable to discover the terms of the grant by which Edward I gave to him the wardenship of the Channel Islands. It is contained in the Patent Roll for 5 Edward I, m. 22 (25 January 1277), and was printed by Havet in 1876. Havet also mentions an earlier grant, not so full, of 25 November 1275, and gives a long account of the warden's rule and misdoings, and also of his officials.¹⁸

I have ventured to dwell at some length upon the deficiencies of Mr. Bolland's work, because a little more attention to easily accessible historical literature, and a more vigorous attempt to elucidate for us the legal bearing of his documents, would have doubled the value of his introduction. He has given us so much that we desire more. Attention should be drawn to his ample demonstration of the official corruption which the bills suggest; and to his notes upon a bill (no. 79) which implies that a course of legal studies, extending over more than three years, was open to young students of law in Edward I's reign (p. xlv). The editing and indexes are excellent.

F. M. POWICKE.

The Place of the Reign of Edward II in English History. By T. F. TOUT, M.A., F.B.A. (Manchester: University Press, 1914.)

IN this volume, which is an expansion of the Ford Lectures at Oxford in 1913, Professor Tout gives a novel and illuminating review of the reign of Edward II. He argues that the king and his intimates have been judged too severely; and, what is of more importance, that the real significance of the reign has been overlooked. The author's point of view is that of the unwritten administrative history, and there has been no attempt to give a consecutive narrative of political events. Incidentally, however, there is much fresh light on what was previously obscure, and it is shown how in spite of the seemingly futile politics, nay almost by reason of their futility, the time was one of steady administrative development. Professor Tout points out that had Edward of Carnarvon been as strong a ruler as his father, the greatest of the Plantagenets might have been remembered rather as the creator of despotism than as one of the founders of our constitutional monarchy. It was through the ineffectiveness of his successor that the limitations which the first Edward imposed on the baronage became an essential part of our constitutional system, and not merely a means for increasing the power of the Crown. The administrative machinery of a state, if it may be conservative in theory and prone to cling to old traditions, is always progressive in fact through the necessity of adapting itself to changing conditions. The thirteenth century in England witnessed the process by which the administration, starting from its centre in the royal household, had thrown off the Exchequer

¹⁷ Cf. especially *Bills in Eyre*, p. 138. On the council in exchequer at this period see Baldwin, *op. cit.* pp. 219 ff. Havet supposed that the reference was to the king's bench, since a day was fixed *coram rege* at Westminster. But the council is definitely mentioned, and its functions at the exchequer are now well known.

¹⁸ *Bibliothèque de l'École des Chartes*, xxxvii, 1876, 200 ff., 225.

and chancery as two great offices in which the routine work of the government was performed by a staff of permanent officials with habitations of their own and organizations independent of the Court. By a process, for which other analogies might be found in the history of the national services, much of the executive work formerly done in the Chancery or Exchequer passed to the Wardrobe, which had originally been an inferior branch of the royal household. Edward I had found in the Wardrobe a convenient executive instrument which was more immediately under his control. The reign of Edward II, with the constant struggle between the Court and the baronial opposition, gave the opportunity for further development. In the absence of any outstanding political personality the official class gained increasing importance. Amidst all the revolutions and counter-revolutions the work of the government offices, as they may now be called, went on with a practically permanent staff of obscure clerks and knights, who transacted the real business of the state. These are the broad grounds on which Professor Tout finds the chief importance of the reign of Edward II to consist in administrative reform, in the definition of the spheres of the existing offices, and in the growth of offshoots which in process of time became new offices of state on their own account; of these latter the most important resulted from the severance of the Privy Seal from the Wardrobe.

As a study in the history of the machinery of government Professor Tout's volume must be of interest to many besides professed students of history. But others will find its value in the new light which it enables him to throw on the political disputes of the reign, where the practical issues turned often on the control of the machinery of government. Thus we get at the real significance of the Household Ordinance of 1318, when the desire to secure control of the curial instrument of government led to the codification of pre-existent custom and the thorough revision of administrative and financial methods. Similarly, the triumph of the Court party after 1322 led to the reorganization of the Chamber, in which the author sees a conscious result of the policy of the Despensers, who hoped by this means to retain one centre of household authority, untouched by the reforms which tended to limit other branches of the royal household. 'The history again repeated itself. When the old court offices became ineffective, they gave rise to the signet office and the secretariat of state.' To one who has been conversant with the routine administration and witnessed something of the perpetual process in the development and adaptation of old machinery to new ends, this examination of medieval methods furnishes an instructive comment on the continuity of what is inevitably an obscure element in our national life. The silent workers of the state pass unnoticed, but their labour has often been pregnant with far-reaching results. The history is not to be found in Chronicles, and can only be unravelled with pains from Records, and by the laborious piecing together of small items of information. Thus the Lists of Officials, which fill eighty pages in the second of Professor Tout's Appendixes, have more than nominal interest. The first Appendix is occupied with the Household Ordinances of 1318 and 1323, which, as Professor Tout remarks, are too important for our administrative history

to remain accessible in type only in the bad seventeenth-century translation which Dr. Furnivall included in his *Life Records of Chaucer*. The original French text is now given from two manuscripts at the British Museum, though unfortunately even the older of the two is not earlier than 1400.

C. L. KINGSFORD.

An Irish Astronomical Tract, based in part on a Mediaeval Latin Version of a Work by Messahalah. Edited by MAURA POWER. (London: Irish Texts Society, 1914.)

NOT the least important chapter in the history of medieval Irish civilization is that which concerns the knowledge and spread of scientific learning in the schools;¹ yet this subject has hardly been touched on, as the manuscript treatises have been left entirely unpublished; an omission all the more remarkable when one considers their value both linguistic and historical. The new volume of the Irish Texts Society is therefore all the more welcome for giving access for the first time to a text of this little-known type. The astronomical tract now printed is of more general interest than those on medicine, and seems to have been the sole treatise of this nature in use in the later medieval period in Ireland. It was obviously translated from the Latin to serve as a text-book of the schools, and, as such, probably does not represent so much the sum of individual knowledge on cosmographical matters as what was taught in the Irish medical schools of the period; some knowledge of the sort was required even from students of law, as the *Senchus Mór*² shows.

The list of headings in ch. i shows that the treatise is complete save for the final chapter, with which has vanished any evidence that may have existed for dating the text from the manuscripts used by Miss Power. Something, however, can now be gleaned from the fact that a manuscript in the British Museum (Arundel 333) has preserved a whole series of excerpts from this tract,³ taken, as the agreement in readings and orthography shows, either directly from MS. B. ii. 1 (of the Royal Irish Academy), or from a sister manuscript. It was written at Killinaboy in Co. Clare in the year 1514. We may therefore, as the other manuscripts are both independent of B. ii. 1, safely say that the Irish text was in existence before the end of the fifteenth century, and from the indications noted by Miss Power (introd., p. xi) that it can hardly have been translated earlier than the beginning of that century. Confirming this, one may note the existence of an Irish translation of the latter half of the *Almagest* (that portion which deals with the individual planets and constellations) in a manuscript dating from the year 1443,⁴ which from its style and orthography cannot well be dissociated from the present treatise, and probably was made by the same translator. A further astronomical treatise in Irish

¹ Hitherto the sole considerable, though far from exhaustive, account of contemporary Latin scientific works known in medieval Ireland is the excellent account of some fifteenth-century Irish medical treatises in the British Museum, given by Dr. Standish Hayes O'Grady in the still unfinished Catalogue of Irish Manuscripts in the British Museum, pp. 171-327.

² Cf. *Ancient Laws of Ireland*, i. 27, 89.

³ See O'Grady, *ubi supra*, p. 231.

⁴ Trin. Coll. Dublin, MS. H. 2. 8; cf. Abbott, *Catalogue*, p. 320.

is mentioned by D'Arbois de Jubainville as occurring in the Egerton MS. 92⁵ in the British Museum.

The treatise, however, is Irish only in language; the Latin chapter headings show, what is also abundantly clear from the style, that it has been translated *in extenso* from a continental Latin original. The astronomical part, comprising two-thirds of the entire tract, is ultimately based at several removes on Ptolemy's Astronomy. An Arabic version of this was compiled shortly before the year 800 by a Jew named Messahalal for the reigning caliph. The spread of Saracen culture after the Crusades brought Messahalal's treatise to Europe, where it was translated into Latin by Gerard of Cremona⁶ at Toledo in 1175; which translation, as the editor shows, forms the principal source of the Irish tract. With this Messahalic treatise have been conflated a number of chapters on physical geography. Four of these, ch. xxxv, On the Measurement of the Earth, ch. xxxvi and ch. xxxvii, On the Habitable Climes, with ch. vii, The Rotundity of the Earth, are derived (probably also through an Arabic version; we meet the word *alcoterra* in ch. xxxv) from Ptolemy's Geography, whilst the chapters on the Nile (ch. xii) and the Volcanoes (ch. x) come probably from some medieval development of the same source. The remarkable passage on the Tides (ch. xi) must have been written by some one to whom the almost tideless seas of the Mediterranean and the Red Sea were familiar; similarly in ch. xvii the author takes France and Africa (in the Roman sense) for his western, and Babylon for his eastern limits; in ch. vii too (also a non-astronomical chapter), Spain, Rome, and Jerusalem illustrate points connected with sunrise and sunset; all pointing unmistakably to southern Europe or more probably Alexandria as the home of the author.

The treatise, however, though probably owing its outline and ultimate origin entirely to Ptolemaic sources, has evidently been subjected to a complete revision. Miss Power has pointed out that it varies considerably in detail from the printed text of the Latin version of the *Almagest*. The Rev. Maxwell Close has shown⁷ that in various details, such as the measurement of the earth, the habitable climes, and the tides, the observations of Ptolemy have been corrected or supplemented. The explanation given of the Nile floods is, curiously enough, that of Diodorus Siculus, which was superseded as early as the seventh century. Aristotle is cited thrice, probably at third or fourth hand: in ch. ii, p. 14 (*Summa mundi*);⁸

⁵ *Catalogue de la littérature épique*, p. xxx.

⁶ Gerard of Cremona (1114-87) translated the works of both Ptolemy and of Hippocrates from the Arabic versions into Latin, as well as the treatises of Avicenna and other Saracen doctors. It is through his translations (probably, as suggested below, p. 340, introduced into Ireland by Anglo-Norman clerks) that Arabian medical and metaphysical books were known in Ireland in the fourteenth century; he is cited by name in at least one Irish translation. See O'Grady's admirable passage on the subject, with list of authors cited, *ubi supra*, pp. 171, 267; and Roger Bacon's curious indictment of Gerard and other translators of his school, quoted by Sir J. E. Sandys (*Hist. of Class. Scholarship*, i. 569). A *résumé* of the work of these translators, with an interesting discussion of the various rehandlings of the *Almagest*, is given by Professor Haskins in *Harvard Studies in Class. Philology*, vol. xxi (1910).

⁷ *Proceedings of the Royal Irish Academy*, vi. 457.

⁸ See O'Grady, *ubi supra*, p. 246, excerpt ii.

in ch. vi, from *Liber Praedicamentorum*, an Irish tract on which is noted by O'Grady;⁹ and by name in the incomplete final chapter, headed 'On Plants'. But the reference to the common use of spectacles in illustration of the magnifying properties of media, in ch. vii (vouched for by all three manuscripts, hence obviously in their original source), brings us down to, at earliest, the latter half of the fourteenth century. The revision, however, whatever its date, was probably due to the same hand which has inserted the twelve chapters on physical phenomena and added the prefatory matter with the table of contents.

The subject-matter of the text has been dealt with at length by Mr. Close. To laymen the most interesting fact is that the chapter on the moon and the tides anticipates by over a century the discovery of Kepler. The passages on p. 42 and p. 46, with that on sight and hearing, p. 155, show that the compiler knew something of medicine. It is remarkable, and vouches for his accuracy, that the Irish translator should not have attempted to modify either ch. xviii or ch. vii, where Africa (in its Roman sense) and France are spoken of as in the west; or to have altered the somewhat uncomplimentary description of the inhabitants of his own *Clima* in ch. xxxvi.

The editor has chosen, wisely enough, to edit the treatise from a linguistic point of view, simply referring (with one important correction)¹⁰ to Mr. Close's article. The translation here fully justifies this plan, and is both careful and accurate, reproducing admirably the extremely simple and direct, if somewhat loose, style of the Irish. It is perhaps from this linguistic point of view, too, that this treatise is of most value, as it reflects more clearly than the more artificial literary translations the natural style of composition of the period; demonstrating well the resources of the language both in borrowing and fashioning new vocables, not a few of which passed with new shades of meaning into common use. Several of these words, such as *seantrom*, 'centre'; *sbás*, 'space'; *resim*, 'reason'; *cabáin* (p. 44), 'nooks'; *prisínach*, 'prisoner' (p. 38); together with the phonetic spelling of the Latin (*pisís* for *piscis* -es, *occacio* for *occasio*, &c.), manifest the influence of Anglo-Norman pronunciation and vocabulary; rendering it probable that it was through Anglo-Norman channels that the treatise itself reached Ireland.

Two minor slips in the translation may be noted. P. 40, l. 7, *seim* and *serb* mean technically 'bland' and 'acid'; p. 65, l. 26, the definition of *ghiasacht direch* as '*an ghiasacht téit o medón thias co medón this*' means literally 'the motion that goes from a centre above to a centre below', but the context shows this should be 'from centre to centre', any point being regarded as a centre; *direch* therefore should be translated not 'vertical', but 'straight, along a straight line'. It is a pity that

⁹ *Ubi supra*, p. 257.

¹⁰ An error in this article is, however, reproduced on p. xi. The Irish version of Gaddesden's *Lilium Medicinæ* there referred to bears no date, and may have been transcribed at any time in the fifteenth or sixteenth centuries. It is in an absolutely different script and orthography from that of the dated parts of the Yellow Book of Lecan, with which it is bound up. It cannot, therefore, be used in proof of the rapidity of the transmission of scientific works to Ireland.

the collotype facsimile with which the volume is provided is taken from the one defaced page of the manuscript, and even this, where legible, is so reduced as to be unreadable. But all who are interested in the history, learning, or language of medieval Ireland will be indebted to the editor for her enterprise in transcribing and translating this difficult technical treatise. Irish literature and Irish learning have never experienced the vivifying spirit of the renaissance; but a work such as this shows that in medieval culture Ireland may well bear comparison with other countries of civilized Europe.

L. GWYNN.

Statute Rolls of the Parliament of Ireland, 1-12 Edward IV. Edited by HENRY F. BERRY under the direction of the Master of the Rolls in Ireland. (Dublin: H.M. Stationery Office, 1914.)

THIS, the third, volume of the Irish Record Office Series of Early Statutes includes eight rolls, containing altogether '422 chapters, of which only 16 have hitherto been printed in former editions'. As in the case of the second volume, the vast majority of these enactments are *privilegia*, in the sense of particular laws relating to specified individuals. Many of them are in effect decisions of the highest tribunal on the petitions of aggrieved persons, and several take the form of proclamations against persons who could not be made amenable by ordinary process of law. These private ordinances, however, are more than of local and family interest: they serve to illustrate the social state of Ireland at a time when English influence was nearly at its lowest ebb. The more important enactments are noted in Mr. Berry's preface. Contemporary authorities for the whole period down to the reign of Henry VIII are so rare that writers have necessarily to draw much of their material for Anglo-Irish history, political, economical, and social, from the Statute Rolls, and this edition, when completed, will be a great boon to future historians. In the English version, printed side by side with the French text, the editor has silently identified a great number of place-names, and has done so with knowledge and judgement. Some of these identifications are interesting, as 'Balloure' (the town of the lepers, *lobhar*), now corruptly Leopardstown. Mr. Berry has disclosed another case of 'the law of Breteuil', *la ley de Brutolle*, applied to an Irish borough, namely Mungret, belonging to the bishop of Limerick (p. 61). In this connexion he refers (p. xxiv) to a statement of the present writer to the effect that Trim, Kells, Rathcoole, Ballymore, and Holywood were held according to 'the law of Bristol' (*Ireland under the Normans*, ii. 316). The statement is borne out by the printed sources to which references were given, but in view of recent discoveries it would be well to examine the originals. A charter of Henry III, recited on p. 76, contains an unusual number of old law terms implying certain rights and immunities. The editor explains these in a note, but has not *hangwite* been shown to be 'a fine for letting a guilty man escape', and not one 'for a man hanged unjustly or by himself'? On p. 716 the word *saute* seems to represent the Irish *samhailt* (similitudo), now used for an 'apparition' or 'double'. This edition of the Statutes would have been rendered still more serviceable if marginal cross-references had been added to

enactments subsequently repealed or otherwise mentioned. Had this been done the editor could not have failed to observe that there are two references (pp. 676 and 850) to the same parliament of Henry VI, held under Richard [Talbot] archbishop of Dublin, in one of which it is stated to have been held in the twenty-third regnal year, and in the other on the same day in the twenty-fourth regnal year. If the mistake is in the original the fact should have been noted. There is no extant statute roll for either year to enable us to decide which is correct, and the precise period of the archbishop's justiciarship does not appear to be known. On p. iv of the preface the editor says that a parliament is stated to have been held 'at Dublin 23 Henry VI before the earl of Desmond', but he does not give the reference, and I have been unable to find it. Moreover, it does not appear that an earl of Desmond was deputy in that year, nor at any time from 1367 to 1463. We might indeed have expected that the editor would give in his preface an accurate list of the chief governors, with the dates, where ascertainable, of their appointments. But he only gives (without any dates) a vague and incomplete summary, in the course of which he makes the curious slip of stating that Ormond died after Kildare was appointed lord chancellor. Kildare's appointment, however, is dated 25 January 1464 (p. 166), whereas Ormond was beheaded at Newcastle in May 1461 (*Paston Letters*, no. 452, ed. 1904).

With regard to the attainder and execution of Thomas earl of Desmond, perhaps the most fateful event in Irish history during this period, Mr. Berry says 'the true causes of the king's change of conduct' towards the earl 'have never been satisfactorily explained, but it is generally thought that Desmond opposed Edward's marriage, that he had counselled a divorce, with a view to the king making an important foreign matrimonial alliance', and that the queen 'by foul means procured Desmond's attainder and execution'. In view of the prominence given to this explanation, it may be well to devote a few words to it. The story that Elizabeth Wydvile surreptitiously procured the execution of Thomas earl of Desmond for disparaging remarks about her marriage first appeared, upwards of seventy-three years after the event, in a memorial addressed by the earl's grandson to the privy council, petitioning for the restoration of the manor of Dunganarvan (*Cal. of Carew Papers*, 1575-88, app. p. cv). A slightly variant version appears in the *Book of Howth* (pp. 186-7) in a passage apparently written after 1552. Nothing is said in either version about the earl counselling a divorce. But the story will not bear examination. Edward's marriage took place in May 1464. At this time Desmond was high in favour with the king, and it was not until near the close of 1467 that he was superseded as deputy by John Tiptoft earl of Worcester. It was on 4 February 1468 that the parliament met at Drogheda and attainted the earl of Kildare as well as the earl of Desmond. The former was subsequently pardoned (p. 587), but the latter was executed at Drogheda on 14 February. It can hardly have been the fact that the council, with the exception of Tiptoft, were 'nothing privy to the conclusion', as stated by the earl's grandson, and it was certainly not the fact (as he goes on to state) that the king, on hearing of the earl's death, sent immediately for Tiptoft, and after a full examination 'caused him to be put to a very

cruel and shameful death'. Tiptoft remained deputy until December 1468, when his services were needed in England by the king, and he was constable of England down to the brief restoration of Henry VI, in October 1470, when he was put to death by the Lancastrians. But we need not travel outside of Ireland to discover what led to the earl's ruin. A century had elapsed since a Desmond had been chief governor, and meantime the earls of Desmond had waxed Irish. Earl Thomas had many enemies in the anglicized regions about Dublin, who resented his Irish methods, had repeatedly accused him of illegalities (*Statute Roll 3 Edw. IV*, p. 96; *Annals of Duall MacFirbis*, p. 253), and feared his great influence with the 'Irish enemy'. Moreover, his recent rule had been disastrous. Irish writers inform us that in 1466 the earl was taken prisoner by O'Conor Faly, that the country from Naas to Tara was repeatedly plundered by the Irish, and that the earl had purchased peace from O'Brien by a concession of lands and an annuity. The attainder is grounded on treasons committed by the earl 'as well in alliance, fosterage, and alterage with the Irish enemies of the king, as in giving them horses and harness and arms and supporting them against the king's faithful subjects'. The former charge was undoubtedly true, and there were facts which at least gave colour to the latter. There is no need to seek further for the cause of the earl's execution, especially when so ruthless a man as the *trux carnifex et hominum decollator horridus* was in power. It was, however, an unjust and most impolitic act, and it led to the complete estrangement and ultimate ruin of the house of Desmond. GODDARD H. ORPEN.

Calendar of State Papers and Manuscripts relating to English Affairs in the Archives of Venice. Vol. XVI, 1619-21; Vol. XVII, 1621-3; Vol. XVIII, 1623-5; Vol. XIX, 1625-6; Vol. XX, 1626-8. Edited by A. B. HINDS. (London: H.M. Stationery Office, 1910-14.)

Mr. HINDS is a very rapid and regular worker. At the same time, his prefaces are full and interesting, his notes useful, and his indexes excellent. The only defect in his editing is that he does not sufficiently discriminate between important and unimportant papers. One would not wish him to abridge the dispatches of the Venetian representatives in England, but those of agents employed elsewhere, and miscellaneous documents used to supplement the dispatches, might be very advantageously cut down, or in some cases omitted altogether. At present these and other calendars all tend to be too lengthy and so cover too little ground.

In September 1619, when these volumes begin, Venice was represented at London by a secretary only, Pier Antonio Marioni. Girolamo Lando arrived to take up the post of ambassador in December 1619; Aloisi Valaresso, his successor, came in June 1622 and left in October 1624; Zuane Pesaro, the next in the series, was ambassador when James I died. Only one of these three ambassadors, namely Lando, has left a relation of his embassy. Mr. Hinds prints a translation of this, from a better text than that printed by Barozzi and Berchet (*Calendar*, 1621-3, pp. 423-59). The three volumes of the *Calendar* which cover the last six years of the reign of King James I contain a mass of new details relating to the period,

but their chief interest consists in the general view of men and events which they give us. The impressions and opinions of acute and impartial foreign observers, when they correct or confirm the conclusions derived from English evidence, are of special value for later historians. Their opinion of King James, as it is summarized by Mr. Hinds, is much more unfavourable than that formed by their predecessors.

James regarded affairs of state as a disagreeable interruption to his pleasures. Though all Europe was seething with war, James would often leave his letters and foreign advices untouched for days together. . . . Diplomats had to be very careful in imparting information to him, as he was accustomed to be as liberal to his favourites with his secrets as with his riches. . . . In the difficult tangle of foreign politics he could not make up his mind what course to pursue, and showed the utmost feebleness and irresolution. One day he would speak high, the next he dared scarcely open his mouth. The favourites could always get round him, and what was resolved by him with great labour one day, was frequently undone, transformed, or diminished by them in a few hours. . . . Fear ruled his life and his cowardice sometimes found expression in strange ways.

As Mr. Hinds aptly reminds us, Ranke expressed the idea that James, with all his apparent vacillation, was really acting on a settled and determined policy. 'Placed in the midst of rival powers and never completely certain of the obedience of his subjects, he sought to ensure the future to himself by crafty and hesitating conduct.' Experience disproved this paradox. 'For a moment, the Venetian ambassador himself seemed disposed to believe that a deeper policy lay beneath the ever-shifting exterior, but as time went on he became more and more convinced that things were really as they seemed on the surface' (*Calendar*, 1619-21, pp. vii, xlv). Again, it is clear from the Venetian evidence that contemporary memoirs have in no way exaggerated the influence of Gondomar over James I. 'At the present moment', wrote Lando on 5 February 1621, 'the crown and sceptre of these realms seem to be in the hands of the Spanish ambassador almost absolutely.' There are many other passages in later dispatches to a similar effect (*Calendar*, 1619-21, pp. xiv, xxxvi; *ibid.* 1621-3, p. xxxvi).

Mr. Hinds, basing his conclusion on the documents he calendars, regards the negotiations for the Spanish marriage as 'a comedy performed on three separate stages, in England, at Rome, and in Spain'. Neither the English king nor the Spanish government was sincere, but both parties seem more than once to have deceived themselves into believing in the genuineness of the transaction' (*Calendar*, 1621-3, p. xviii). With regard to the journey of Prince Charles to Spain, Mr. Hinds points out that while Clarendon, followed by English historians in general, says that the scheme was originated by Buckingham, 'the Venetian ambassador unhesitatingly states that James was the sole author of the plan, which Buckingham pressed and to which Charles merely agreed' (*ibid.* p. xxi). Clarendon's statement, which is made in the *History of the Rebellion*, i, § 20, was of course written much later, about 1669; but it was possibly derived from Cottington, as Mr. Gardiner suggests, and Valaresso's contradiction is not absolutely conclusive. The ambassador himself winds up by saying that 'the true reasons for this momentous step

remain not only secret but absolutely unknown' (*Calendar*, 1621-3, p. 583). In his account of the negotiations which followed the arrival of Charles at Madrid Mr. Hinds judiciously lays special emphasis on the points where the views they express differ from the conclusions adopted by Mr. Gardiner. In particular, he combats the view that Olivares wished the negotiations to fail, shows that he was regarded in Spain as 'the prime author' of the match, persisted to the very end of the year 1623 in his efforts to bring it to a successful completion, and could not conceal his extreme trouble when the final rupture came (*Calendar*, 1623-5, p. xxxii).

The negotiations for the French match are told in Mr. Gardiner's history from French and English sources; but the dispatches of Morosini, the Venetian ambassador at Paris, which supplement those of his colleague in England, throw some sidelights on their progress. One point in particular, viz. the obtaining the papal dispensation necessary for the marriage, is more fully elucidated here (*ibid.* p. xxxiii).

Vols. xix and xx of the *Calendar* deal with the reign of Charles I, covering the period from April 1625 to February 1628. At the opening of the reign Zuane Pesaro was still the Venetian ambassador, but in August 1626 he was superseded by Aloisi Contarini. Pesaro's 'relazione' does not appear to exist. However, in July 1626 two extraordinary ambassadors, Marc Antonio Correr and Angelo Contarini, were sent by Venice to Charles I, and fragments of a 'relazione' drawn up by the latter are printed by Mr. Hinds (*Calendar*, 1625-6, p. 597). Some extracts from Aloisi Contarini's *Relation of the Netherlands*, which illustrate English history, are added (p. 609). Notes for Aloisi Contarini's *Relation of England* are given in the following volume (*Calendar*, 1626-8, p. 614).

The dispatches of the Venetian ambassadors in London and those selected from the correspondence of the republic's ambassadors at other courts naturally throw most light on diplomatic relations and on the incidents of the wars then in progress with Spain and France. The expedition to Ré in particular is very fully related. The ambitious foreign policy which England, under Buckingham's direction, pursued was out of all proportion with the means for putting it into effect. The navy had been allowed to fall into decay; there was no money in the treasury; the army had to be raised after the war began. In spite of these difficulties, as Mr. Hinds points out, the 'overwhelming naval superiority of England speedily swept the seas clear of French shipping', and Richelieu was soon convinced 'that he had miscalculated seriously when he counted upon the weakness and disorganization of England'. However, he took the naval administration into his own hands, and set to work to get a fleet together. 'He counted greatly on a new gun invented by the engineer Targoni, which was expected to inflict the most deadly injury upon ships between wind and water. He boasted that he would enter the very ports of England and sink their fleet with his new thunderbolts' (*Calendar*, 1626-8, p. xv).

Many other interesting details might be noted, but the value of the Venetian dispatches lies most in the general view of English affairs which they give us. The ambassadors were shrewd observers, and their condemnation of the policy of Charles and Buckingham is an argument of weight in

estimating the claims of both to the confidence they demanded from parliament. At first Charles had given great hopes.

The satisfaction with which the people welcomed their new king was only deepened by his conduct at the outset of his reign. He was already known for his sobriety and temperance, and he speedily showed an appreciation of the responsibilities of his new position. He drew up rules for himself, dividing the day, from his very early rising, for prayers, exercises, audiences, business, eating, and sleeping. He announced that he would be constant in religion, sincere in action, and that he would not have recourse to subterfuges in his dealings. He liked matters to be discussed in his presence in the Council, with all the arguments for and against, when he would declare his pleasure, after carefully noting the chief points. Every morning he showed himself in the privy chamber to the lords and officials in attendance, where he detained some in conversation and saluted others, leaving all happy and devoted. He insisted upon strict decorum at Court, where each one had his appointed place, returning to the rules of Queen Elizabeth (*Calendar*, 1625-6, p. viii).

A year later opinion had changed.

He began his reign with a great show of industry and attention to business, but this did not last long. He soon betrayed his dislike for arduous affairs, and Contarini wrote rather sarcastically of the unusual energy he showed when news came of the battle of Lutter. For the rest he let Buckingham act, and ostentatiously stood aside. For all this he cherished very lofty ideas of the prerogatives of kingship, perhaps derived from a book of maxims which he studied attentively but which no one was allowed to see. Suspicions of his autocratic views got abroad early, and it was even rumoured that he would not be crowned, so that he might avoid taking the oaths and remain more absolute (*ibid.* p. lvii).

Contarini devoted a good deal of attention to the struggle between Charles I and Parliament, coming to the very just conclusion that the more the king and government kept devising means to dispense with parliament, the more they diminished their own authority (*ibid.* p. 516). But on the details of the constitutional struggles these dispatches do not throw much light: contemporary English newsletters are far more valuable. On the other hand, these volumes contain a mass of information about commercial affairs, especially about English trade in the Mediterranean and the Levant, and furnish material of first-rate value for the economic historian.

In conclusion, Lando's letter of 6 August 1621, relating to Amerigo Salvetti, is worth noting. 'It seems evident from this dispatch', says Mr. Hinds, 'that he was not the accredited agent of Tuscany at the English Court', as he is often said to be (*Calendar*, 1621-3, p. 98). It is surprising that Mr. Hinds does not refer to the collection of Salvetti's newsletters printed by the Historical MSS. Commission in 1887 (*Eleventh Report*, Appendix, part i). They cover the years 1625-8, and furnish interesting parallels to the ambassadorial dispatches.

C. H. FIRTH.

The Life of Sir Henry Vane the Younger. By JOHN WILLCOCK, M.A., D.D., F.R.H.S. (London: The St. Catherine Press, 1913.)

'Few general readers know more about Vane than that Milton addressed a sonnet to him, and that Cromwell, on a celebrated occasion, prayed to

be delivered from him', says Dr. Willcock. For this reason he has produced the present life of a man who played a prominent part in a great crisis of English history, and with Vane's relation to that crisis the work is primarily concerned. With regard to his private family life, material is slight, and of that aspect very little is said. The first eighty pages contain some account of his ancestry and early years, including his unfruitful search for religious peace and toleration in New England and his unfortunate experiences as governor, for a few brief months, of Massachusetts. Later (pp. 253-63) there is reference to his mystical religious views and his influence as a religious leader, with an attempted criticism of his obscure theological writings, of which it is indeed impossible to pierce the 'peculiar darkness' deprecated by Burnet. The two last chapters describe his imprisonment, trial, and execution after the Stuart restoration, while various appendixes comprise an analysis of his books and published speeches, letters written by him from York in 1644, his suppressed speech from the scaffold, the full text of the Morland Papers concerning the plot of 1659 for assassination of Charles II and James of York, and further genealogical details regarding the house of Vane. The rest of the book, two-thirds of the whole, deals with the history of England from 1640 to 1660 and with the part acted by Vane upon the public stage during those twenty years.

The author claims for his hero first rank as a statesman, a supremacy in the national counsels equal to that of Cromwell in the field and the high-souled disinterested patriotism of a Roman senator of the best period. If the evidence adduced scarcely justifies claims so extensive, it goes far to prove a rare diplomatic skill and an extraordinary administrative ability in the man who, alone of all the Rump, possessed any adequate grasp of European affairs, and at the same time efficiently filled the posts of secretary and treasurer to army and navy through dangerous and difficult years. But perhaps the most telling testimony to Vane's powers is to be found in the verdict of Charles II that he was 'too dangerous a man to let live'. With regard to other qualities there is more room for dispute. That Vane spent health and wealth in the public service is undeniable, but, personally in advance of his times on all questions of civil and religious liberty, he lacked the adaptability needful to successful statesmanship; his resolute refusal of consent to the dissolution of the Rump was inconsistent with his own theory that 'the origin of all just power is in the people', while his curious subtlety of brain drew from Cromwell the epithet of 'juggler'. The most interesting part of the book is indeed that which describes the personal relation of these two men, Cromwell and Vane, at first a close and affectionate intimacy, changed later by political differences to bitter enmity. It is there that the author claims chiefly to enlarge the boundaries of historical knowledge, but except with regard to this and to the Morland Papers the book contains little matter fresh to the historical student. It is, however, well written, well indexed, furnished with good illustrations, which include four interesting portraits of its subject, and will well serve the general purpose for which it is intended.

EVA SCOTT.

The Legislative Union of England and Scotland. The Ford Lectures delivered in Hilary Term 1914. By P. HUME BROWN, LL.D. (Oxford: Clarendon Press, 1914.)

IF it cannot be asserted that the Historiographer Royal for Scotland chose a very novel theme for last year's Ford Lectures at Oxford, he certainly had more than one good reason for his preference. In the first place, there is no higher authority than himself upon a subject which, in its various political and social bearings, it is impossible to detach from the whole history of the progress of Scottish national life; and, again, it has a special significance for those problems of union or federation on which, not many months ago, the public mind in these islands was intent. Moreover, Professor Hume Brown has had access to new materials, partly printed in the appendixes to these lectures—among them the letters of the marquis (afterwards duke) of Atholl and those of another difficult personage, the marquis of Annandale,—partly to be printed elsewhere—such as the correspondence of the earl of Seafield, the most accomplished and the most generally detested Scottish servant of the Crown. In any times less shifting than these over which his activity extended, it would have seemed strange that the earl of Seafield (or of Findlater and Seafield, as his title then ran) should, before Queen Anne's reign was out, have moved in the house of lords for the repeal of the measure which he had taken so prominent a part in advancing, and of which, as a Scottish commissioner, he had shared the actual authorship. Professor Hume Brown's telling sketch of Seafield as one of those politicians who, in Dryden's words, 'neither love nor hate', suggests that, in the period before the union, he, if one may so say, carried to an extreme the opportunism which to a late date marked the conduct of Scottish administrators (and, ought we to add, judges?); but his final recantation, though it met with a prompt reward, seems even in that unblushing age to have caused amused astonishment.

The main interest of these lectures will perhaps to most of their readers seem to be in their earlier, or introductory, portion. The history of the Treaty of Union itself, and of the arduous negotiations with the aid of which it was actually concluded, was, as is well known, first written at length by Defoe, whose services must have been of special value under the commercial aspects of the bargain to the commissioners and to his patron at that time, Harley, Godolphin's chief parliamentary coadjutor in the management of the English side of the business. That on the Scottish side bribery was an important coefficient has been freely assumed; but Professor Hume Brown shows the absurdity of the conclusion that bribery caused the union, and one of the appendixes to these lectures supplies an explicit statement as to the money—£20,000, including official expenditure—which crossed the border 'in connexion with the union parliament'. This, of course, had nothing to do with the unfortunate 'equivalent', which formed an integral part of the treaty.

The immediate effects of the union were unmistakably, both in the matter of Scottish trade (including trade with France) and in that of the presbyterian church, of a nature to imperil its endurance very seriously. They have been fully treated by previous writers, sometimes with a dis-

cursiveness which is foreign to Professor Hume Brown's historical manner; but they bear restatement as a most extraordinary instance of what to a whole generation must have seemed an unprecedented example of political and economical short-sightedness, and to a large part of the Scottish people a warning that the public life of the country was already passing out of an age dominated by religious interests.

Of the political antecedents of the union, the account given in the earlier four of these lectures is, on the other hand, ample as well as remarkably lucid, and enlivened by personal touches most acceptable to hearer or reader in his progress through what less competent and less attractive treatment could hardly but have left maze or moorland. There are some things, familiar in themselves, of which it is well to be reminded: such as the actual nature of the Scottish parliament and its condition in the period preceding the union, which goes some way towards explaining how the act came to be passed. The parliament was small in numbers: that which carried the union numbered not more than 232 members, and this was the largest total on record. It contained no clerical members (these had been excluded at the Revolution); so that an all-important factor of public opinion, and an element bitterly adverse to the proposed union, bore no direct part in the determination of the issue. The nobles, slightly fewer in numbers than the representatives of each of the other estates, sat with the commissioners of the shires and those of the burghs in the same parliament house; but the influence of the nobles upon the decisions of the parliament was out of all proportion to that of the other estates, whose election was anything but independent in character. Hence, 'it was owing to the nobles more than to the other two estates that the Treaty of Union was eventually carried'.

In the same way, certain of the political parties, whose origin and evolution are elucidated in these lectures, were to some extent, if not parties of the nobility, followings of great nobles. It is true that the court party and the country party, whose names sufficiently explain themselves, respectively did the bidding of the ministers of the Crown, who since the restoration were, as of old, appointed by the sovereign on his or her own responsibility and represented the popular presbyterian feeling. But it was the personal influence of the ministers which usually dictated the choice of them, and, even in the history of despotic governments, so much importance has rarely attached to the personal relations between ministerial agents and their supporters; with a few signal exceptions, even in the case of national presbyterianism, the leaders had been mainly nobles, while at the time of the union the success of the project may be said to have ultimately depended upon Argyle, the chief prop of the kirk. Of the Jacobites under Hamilton, on the other hand, the influence upon the national policy at this critical moment may be said to have been undone through his personal ambition, to which his powers seemed, but did not prove, equal; and the *squadron volante*, though its political activity did not come to an end with the passing of the union, apparently (for its action and even its numbers at this time seem uncertain), at the time when the fate of the great measure hung in the balance was neither able nor willing to affect it decisively. The new party, as it was

called, which had its origin in the separation from the country party of the following of the marquis of Tweeddale, lord high commissioner, from the meeting of the Scottish parliament in July 1704, thoroughly disappointed the hopes set upon it by Godolphin, and its policy of settling Scottish affairs by an Act of Succession had to give way early in the following year before the rival policy of a Treaty of Union.

Such were some of the factors in complications of the utmost difficulty through which Queen Anne's government, half bewildered by the advice of self-seeking partisans and hampered by fanatical demands such as the 'limitations' of Fletcher of Saltoun, had to steer its way from the Act of Security—the most disruptive act ever touched by the royal sceptre—to the Treaty of Union. The instinct which led the Scots to make the breach patent before they helped to build the bridge across it can hardly be attributed to political prescience; but it, nevertheless, prevailed.

A. W. WARD.

Documents relating to the Constitutional History of Canada, 1791-1818.

Selected and edited by ARTHUR G. DOUGHTY and DUNCAN A. MCARTHUR. (Ottawa: Printed by order of Parliament, 1914.)

CANADA had outgrown its experimental stage, and the present volume deals with the practical results of the introduction of the system of representative, without responsible, government in both the provinces. In truth it must be confessed that the picture presented is most depressing. It has sometimes been asked—how far did the British government take to heart the lesson of the loss of the American colonies? To answer this question no better authority could be cited than these words of the duke of Portland, a leader of the old whig party, dear to Burke:

The legislative power being given up to an Assembly of their own, it is only through the Executive power, vested in the person having the government of the province, that the sway of this country can be exercised. Every kind of authority that is not inconsistent with the constitution given to the province ought therefore to be concentrated in his hands—whereas the evident tendency of both these measures (the creation of corporations and the appointment of Lieutenants of Counties) is to fritter down his direct power, and to portion it out among corporations and Lieutenants, who, on many occasions, may be disposed to use it in obstructing the measures of government, and, in all events, will require to be courted and managed, in order to secure the right direction of the influence thus unnecessarily given them. I have entered purposely more at large into these proposed measures, because I observe that your adoption of them arises from an idea that by assimilating the modes of the government of the provinces to the government of England, you will obtain all the beneficial effects which we receive from them—whereas to assimilate a colony in all respects to its mother-country is not possible, and, if possible, would not be prudent. Some there may be, which we permit to continue here only because they already exist, and are interwoven with other parts of the government, but which, perhaps, if we had a choice, we should not now be disposed originally to introduce—such, in the opinion of many, as corporations and separate jurisdictions of all sorts. Others there are which may be objectionable in a colony, as tending to lessen the authority which the parent State ought to possess over it as long as that relation subsists between them; of this description I conceive to be all subordinate powers created in the colony, beyond those which are absolutely necessary for its internal police. The power of the person having the government is the power of this country; but such subordinate powers as are proposed are not ours.

We have no connexion with or direct influence over those who exercise them. They are rather means and instruments of independence.

Similarly, some years later Lord Liverpool wrote :

It would indeed have been wholly inconsistent with the nature of a colony, and its necessary connexion with the mother-country, that the Executive Government should have been placed in the same state of dependence upon a local legislature as most usefully subsists reciprocally between the Crown and the Parliament of the United Kingdom.

Such being the attitude of the home government, in what spirit did the advisers of the governor in the colony carry out their duties ? Chief Justice Sewell was certainly one of the ablest and most far-seeing of the British officials, yet we find him writing in 1810 that the only solution for the problem of the French difficulty in Lower Canada was the introduction of settlers from the United States. It was only in the case of a war with the northern States of America that the disaffection of such settlers was to be dreaded ; and ' this is an event ', he declared, ' to be contemplated probably as a remote contingency '. The confession of failure is apparent when the good-hearted but puzzled-headed governor, Craig, is found proposing the cutting of the Gordian knot by the suspension of the constitution.¹

Nor, if we turn to the popular assembly, is the prospect more pleasing. A representative body, largely recruited from ignorant farmers and mechanics, is found putting forward the pretensions of the British house of commons at its worst. It seriously undertook the impeachment of judges on the ground that, having been members of the executive council, they were responsible for the wrong measures taken by Craig. In the same spirit the assembly sought to extend its powers by expelling those who belonged to classes whose presence it resented, instead of proceeding by the proper course of altering the law. In Upper Canada there was not present the difficulty arising from rival races ; but even here the wheels of the parliamentary machine moved clumsily and with no little friction. The vagaries of Justice Thorpe, who sought to combine the rôles of judge and demagogue, occasioned no little trouble ; whilst the blundering of the executive, with regard to the convention held in 1818 on grievances, succeeded in converting an obscure fanatic, Robert Gourlay, into a popular hero and martyr.

We have dealt with one side of the shield ; assuredly there was another. So long as Dorchester held the field the dignity of Canadian public life was secure. We find, in a dispatch of 31 December 1793, a trenchant and characteristic attack on the system of fees, ' which in the ordinary course of things alienates every servant of the Crown from whoever administers the King's government '.

As this object was not public but private advantage, so this principle was pursued with diligence, extending itself unnoticed, till all authority and influence of government on the continent was overcome, and the governors reduced almost to mere corresponding agents, unable to resist the pecuniary speculations of gentlemen in office, their connexions, and associates, or any enormity whatever.

¹ Some of the material here given has been already published in the supplementary volume of Christie's *History of Lower Canada*.

Similarly, while we may not always agree with Simcoe, we always recognize an active mind working for worthy objects. Had the advice of Lieutenant-Governor Milnes been taken, the political future of Lower Canada might have been different; and in the closing pages of the volume we find a governor, Sir John Coape Sherbrooke, who knew how to combine tact with firmness. Moreover, it must always be remembered that politics really play a minor part in the life of a people, especially in a young and growing community. About the same time that the assembly was proposing to impeach the chief justice, the Canadian militia were showing their mettle at Chateauguay; and it is only fair to add that the assembly itself never swerved in its allegiance to the British Crown.

Of the importance of the volume from a constitutional point of view it is hardly necessary to speak. Here the student of Canadian history will find, in a handy form, chapter and verse for the various conclusions of which he has already a general knowledge. The material published falls for the most part under three main divisions:

1. Ordinances and laws passed by the local legislative body, determining the character and organization of the local system of justice.

2. Special reports of a more or less official character, setting forth the actual conditions of the country from a constitutional point of view, and proposing necessary changes in the constitution of the province.

3. Miscellaneous papers furnishing the connecting links and general constitutional atmosphere of the central documents of the foregoing classes, and consisting of petitions and counter-petitions of the inhabitants of the province, minor reports from the governors and officials of the province, on issues political and constitutional, and the correspondence, official, semi-official, and private, between the British secretaries of State and the representatives of the Crown in the colony.

Whoever is interested in the subject of the status of colonial parliaments will find much food for thought in the material here provided. Especially suggestive are the opinions regarding the proposal to make the executive council the court of justice for the hearing of the case of Mr. Justice Foucher's impeachment. Unfortunately, public duties have prevented the collaboration of Mr. Adam Shortt in this volume; but Dr. Doughty has found a no less capable colleague in Mr. Duncan McArthur. In these circumstances the explanatory notes, while brief, are sufficient, and the biographical notices will prove very useful. H. E. EGERTON.

Rapports des Agents du Ministre de l'Intérieur dans les Départements (1793-an II). Tome I. Publiés par PIERRE CARON, Archiviste aux Archives Nationales. (Paris: Imprimerie Nationale, 1913.)

WHEN M. Caron published the first volume of *Paris pendant la Terreur, Rapports des Agents secrets du Ministre de l'Intérieur* in 1910, he announced his intention of also publishing the reports of the agents sent to the departments. This is the first volume of the promised book, containing the reports of the agents sent to announce the constitution of 1793, as well as the reports of Garat's 'commissaires observateurs' and their successors, Paré's 'commissaires pour l'esprit public'. Though the system of observation probably originated with Garat, as he claims in his *Mémoires*,

M. Caron proves conclusively that it was instituted with the full knowledge and approval of the Conseil exécutif provisoire and the Comité de Salut public, whatever members of the latter body may have suggested later. The fact is that the development of revolutionary government was the process of absorption by the legislature of all administrative and executive functions, in Paris by the Comité de Salut public, in the departments by the représentants en mission. The first committee of public safety, which could act in conjunction with the Conseil exécutif provisoire, could see no objection to the existence side by side of the représentants en mission and Garat's agents, though the reason for the appointment of the latter was that 'il faut rendre la correspondance ministérielle plus active, plus détaillée, plus surveillante; il faut qu'elle soit portée à un centre unique'. But after the formation of the great committee of public safety the power of the council to send agents to the departments or the army was withdrawn, though almost at once restored with limitations. In the autumn of 1793, when the commissaires of the minister met the représentants of the Convention at Lyons, the latter imprisoned them and forced their recall, an illustration of the anomalous position of a government which has less executive power than the legislature. In the spring of the following year all commissions were annulled, and the agents of the minister of the interior ceased to be.

The reports cover the critical months from May 1793 to March 1794, the majority being written in July and August 1793, during Garat's ministry. They fall into two divisions both in character and interest. The reports of the commissioners sent to announce the Acte constitutionnel indicate that on the whole it was received with a somewhat uninterested acquiescence, except in those departments which were in open revolt or their partially disaffected neighbours; and here its propagandists rarely escaped arrest, and on more than one occasion narrowly escaped with their lives. The opinion in Normandy, to which the Vendée revolt was spreading, was that an agent of the pouvoir exécutif, judging by previous specimens, could not be an honest man, and must have come to preach Maratism. From several departments which were accused of federalism, came complaints of the domination of the Commune over the Convention.

The commissaires observateurs chosen by Garat, and usually continued but sometimes appointed by Paré, show in their reports a degree of education, tolerance, devotion, and public spirit, which reflect great credit on these ministers. In the 'Instructions pour les commissaires observateurs, délégués par le Ministre de l'Intérieur, en suite de l'arrêté du Conseil exécutif, approuvé par le Comité de Salut public'—a significant title—they were specially charged to pay attention to everything 'qui peut intéresser la prospérité des départements qu'ils auront à parcourir, sur les causes qui nuisent à cette prospérité, sur les moyens de la rétablir et d'exciter par elle l'amour de la Révolution. . . . Ils voudront bien ne pas perdre de vue que le sort de la France est dans leurs mains'. Had the political situation at home and abroad made it possible to carry out their suggestions, France might have been spared much of the misery and bankruptcy of the succeeding years.

The two most remarkable reports are those of Diannyère, the doctor

and economist, and Garnier, the priest, both on the department of Allier, covering the whole time and field of investigation of the observers. Though Diannyère was evidently in sympathy with the anti-Catholic policy of the Convention, he writes a detailed report in praise of the work of the nuns who served the Hôtel-Dieu of St. Joseph at Moulins, and begs that they may have a grant from the national funds set apart for the hospitals. He also complains of the insanitary and overcrowded condition of the prisons for the suspects, and adds 'de bons républicains ne doivent jamais outrager l'humanité'. Garnier confirms his opinion that the department of the Allier is 'l'un des mieux enclos, des mieux arrosés, des plus fertiles, des plus mal cultivés et des plus pauvres de la République', and these recommendations show that they not only took an intelligent interest in agriculture and industry, but also took the trouble to consult expert opinion.

In all the observers' reports two points stand out—the appalling ravages made by the peasants in the woods and forests after their nationalization and the uneducated class of man in control in the towns and villages. One observer remarks that every individual uses the trees like the cabbages in his garden and adds, 'L'émigré Dadvisard avait un garde. Pourquoi la Nation n'en a-t-elle pas un?' On the second point one observer expresses the pious wish that zeal and goodwill could always be united with intelligence, while another more forcibly sums up the official type as 'sans esprit, sans talent, sans instruction et presque toujours ivre'.

The collection of these reports from innumerable boxes in the many different series of the National Archives must have been a stupendous task, even for one so favourably placed as M. Caron, but the interest more than repays the labour. The only word of criticism possible concerns the classification of the reports in alphabetical order of the names of the observers. M. Caron says that a logical classification was practically impossible, but it is to be regretted. There are many reports from the departments into which Normandy was divided scattered through this volume and probably through the next, and the two reports from Moulins are separated from each other by four which bear no relation to them.

M. A. PICKFORD.

The Contemporary English View of Napoleon. By F. G. McCUNN, B.A., B.Litt. (London: Bell, 1914.)

L'Esprit public dans le Département de la Meurthe de 1814 à 1816. Par RENÉ PERRIN. (Nancy: Berger-Levrault, 1913.)

L'Esprit public chez les Prêtres Francs-Comtois pendant la Crise de 1813 à 1815. Par le Capitaine FRANCIS BORREY. (Paris: Leroux, 1912.)

THE study of public opinion is one of the most important and one of the most difficult of the duties of an historian. It may be said also that it is one most commonly neglected, and that historians often describe public opinion without giving any evidence for the sweeping statements which they make about it. Attempts, therefore, such as have been made in these three monographs, to ascertain from contemporary documents what

people really thought about Napoleon and the great events with which his name is connected are exceedingly welcome. Mr. McCunn's study of English opinion is much the most ambitious, for he has covered a wide area in space and time, and he is to be congratulated on the courage with which he has faced his formidable task. He gives us tory, whig, and radical opinion, and his authorities range from Castlereagh to Cobbett. The result is both interesting and instructive. A large number of quotations are classified and arranged under suitable heads and give an excellent picture of the ideas of some of the men of the time. But it was impossible for Mr. McCunn to cover the whole ground adequately, and a more detailed study of some portion of the field might have produced even more interesting results. There were other newspapers in existence besides the *Times*, nor can an estimate of Wellington's opinion of Napoleon's generalship, which is based only on Croker and Stanhope, be considered satisfactory. Few, too, will accept his judgement of Cruikshank and Gilray, though it is true that they form 'an extraordinary contrast with the refined cartoons of our modern *Punch*'. On the contrary, their coarseness and brutality were an index of the spirit of the age, and it is also just this element of savagery which makes them rank artistically above more refined caricature.

The two French monographs are of a different kind. They are based almost entirely on new material and are intensive studies of small sections of opinion during a small period of time. M. Perrin proves that 'les Meurthois furent d'autant plus enthousiasmés par Bonaparte que sa situation était plus difficile et son sort plus malheureux', and Capitaine Borrey prints some very interesting evidence of the struggle between Archbishop Coz, a fervid supporter of Napoleon, and subordinates who were eager for a Bourbon restoration. Both contribute to the understanding of the most dramatic and important event in history, and it is from the collation of many such studies that we shall eventually obtain a true picture of public opinion in the Napoleonic age.

C. K. WEBSTER.

A History of the Peninsular War. By CHARLES OMAN. Vol. V. (Oxford: Clarendon Press, 1914.)

Six days after the battle of Salamanca, Foy, who commanded one of the French divisions, wrote in his diary: 'The battle of Salamanca is the most masterly in its management, the most considerable in the number of troops engaged, and the most important in results of all the victories that the English have gained in these latter days. It raises Lord Wellington almost to the level of Marlborough. Hitherto we had been aware of his prudence, his eye for choosing a position, and his skill in utilizing it. At Salamanca he has shown himself a great and able master of manœuvres.' The battle and the operations which preceded it marked the change which had come over the war. As Mr. Oman points out, the initiative had at last fallen into Wellington's hands, or rather, he had boldly seized it. The beginning of 1812 found him confined to Portugal by the barrier-fortresses, Ciudad Rodrigo and Badajoz; by the middle of August he was in Madrid.

Yet the Anglo-Portuguese army was under 70,000, while the French troops in Spain numbered a quarter of a million.

It is a dramatic subject, and the story is told by Mr. Oman with his usual fullness and lucidity. There is so much to tell that this stout volume of 634 pages does not cover the whole campaign, but breaks off at the end of August, leaving the siege of Burgos and the retreat to Portugal for another volume. This is a pity, and yet there is nothing that we could wish to abridge. There is no superfluous rhetoric or picture-painting, but infinite pains is taken to be exact about numbers and about the units engaged, and all available memoirs are laid under contribution for facts. Mr. Oman has had valuable new material to draw upon, and the Scovell ciphers are especially important. They are messages from the French leaders to one another, which were intercepted and deciphered. They bring home to us vividly the enormous advantage Wellington enjoyed by having the population on his side.

It is unfortunate, perhaps, that this volume should have happened to come out at a time when attention is absorbed by a war of unprecedented magnitude. The conflict in the Peninsula seems a small matter compared with what is now going on in France and Poland, and the newspapers leave one little time for books. But as the late Colonel Henderson has pointed out, Wellington's campaigns are of quite exceptional value for British students of strategy, especially the campaign of 1812. Mr. Oman brings out admirably with what care Wellington prepared for his advance into Spain by planning diversions in the north, east, and south. Some of them fell short of his expectations, by no fault of his, but they practically served his purpose by paralysing the other French commanders and leaving him free to deal with Marmont alone. The value of sea power was never more conspicuous. At the same time he was greatly helped by the jealousies of the French generals, and especially by Soult's self-seeking. Soult's refusal to obey King Joseph's orders and his obstinate insistence that the invasion of Andalusia was Wellington's plan did more than anything else to wreck the French cause in Spain.

The part played by the guerrilla bands is of particular interest just now, for there has been much discussion lately as to the attitude of the population of an invaded country. Mr. Oman thought Napier was unjust to the Spaniards, and he set out to magnify their share in their own liberation. So far as the regular armies are concerned, the reader will not find much to raise his opinion of them. Blake at Valencia and O'Donnell at Castalla behaved in characteristic Spanish fashion, with the usual disastrous results. But in irregular warfare the Spaniards were invaluable, and the liberation of Spain was as much their work as it was the work of the British. It is interesting to note that, in accordance with the German doctrine of to-day, the French general Abbé issued a proclamation forbidding quarter to guerrilleros, and making their families and villages responsible for them. Mina replied by ordering that four French prisoners should be shot for every Spaniard executed, and after some months the French proclamation was withdrawn.

There are some important corrections of Napier in this volume. He was apt to be biased by his worship of Napoleon; but Mr. Oman has

something of a bias in the opposite direction, and is disposed to lay blame too exclusively on the emperor, as when he says that 'Napoleon was directly and personally responsible for the fall of Badajoz'. He looked to Soult to take care of it, and Soult had 60,000 men under his command. It is a bold thing to say that if Wellington had pursued the beaten French army more vigorously in July, it would not have been able in October to interfere with the siege of Burgos. In the admirable account of the action at Garcia Hernandez a battalion of the 76th French infantry seems to be lost sight of. The outwork of Ciudad Rodrigo is spoken of in the text as Redout Renaud and shown on the plan as Redoubte. Both are departures from the French form Redoute and the English Redoubt.

E. M. LLOYD.

Gedenkschriften van Anton Reinhard Falck. Uitgegeven en met een appendix voorzien door Dr. H. T. COLENBRANDER (Rijks geschiedkundige publicatiën). (The Hague: Nijhoff, 1913.)

FALCK'S memoirs have only recently become available. Though evidently written with a view to ultimate publication, he had no desire to give them to the world hastily, and his papers remained in private hands till quite recently, when they were acquired by the Rijksarchief and entrusted to Dr. Colenbrander for publication. In 1827 or 1828 Falck began to sort his papers and to write a commentary upon them, which developed into a regular narrative which covers from his birth (1777) to 1833. (He died in 1843.) It contains a full account of Falck's very active share in the events of November 1813, when the French were got rid of and the prince of Orange came back. Returning from Paris to the Hague in the summer of 1814, Falck went to see Capellen at Brussels, who then represented the prince there, and it is interesting to observe that he notes of the Prussian army of occupation that there was no end to their demands of every kind, and it seemed as if excuses were sought to multiply them by marching troops about in a way which, looking to the fact that peace was notoriously about to be concluded, was unjustifiable. The Belgians complained bitterly. There are some interesting remarks in the same year about the restoration of the Dutch colonies and the disappointment and indignation felt at Lord Castlereagh's terms. Falck points out that if England's support at Vienna in the all-important matter of the establishment of the new kingdom was to be secured—and it was on England that Holland was to rely—it was idle to quarrel over the colonies. This was no doubt true, though modern writers have sometimes forgotten that the colonies were in fact part of a much larger question. The next ten years are dealt with pretty fully.

In 1823 Fagel ceased to be ambassador in London, because, Falck tells us, he would not take up the post of minister of foreign affairs, whereupon the king declared that if he would not be minister he should no longer be an ambassador, and on 9 June 1824 Falck presented his credentials as ambassador to George IV. The latter, who referred at a large dinner party at Windsor to Fagel's recall as 'a most injudicious step', treated Falck with cold civility. Falck seems, however, to have borne his coldness with

equanimity. With Canning, who, he remarks, often wrote and acted on first impressions, he was on friendly terms, and the negotiations regarding the removal of the discriminating duties brought him into constant communication with Canning and Huskisson. The result was not satisfactory to him or the Dutch Government, for the treaty of 1826, which is still in force, was concluded with France, while Dutch goods were struck by Order in Council with a duty of 20 per cent. This is commemorated in Canning's famous lines beginning, 'In matters of commerce the fault of the Dutch', and ending, 'Vous frappez Falck avec 20 per cent.' These lines, which were long known in various inaccurate versions and are correctly quoted by Dr. Colenbrander from Sir H. Poland's article in the *Transactions of the Royal Historical Society* for 1906, were known to Falck in one of the current versions. He had himself hoped for a broad general agreement, though he thinks that Canning and Huskisson may have suspected him of indifference, and he was disappointed at the failure of the negotiations. Another commercial question with which he was concerned during his embassy was that of the navigation of the Rhine.

With regard to English affairs generally Falck does not rate his own dispatches very highly, for he felt overshadowed by Bagot, who, as a former member of the Foreign Office and a personal friend of Canning, was always able to supply the government at the Hague with much better information. He seems, however, to have been on a friendly footing with English statesmen of all parties, and was looking forward to spending the latter part of his embassy without having to deal with any very troublesome questions, when calling one day at the Foreign Office in 1830 he suddenly learned that the tricolour had been hoisted on the Tuileries. He at once prophesied an era of trouble, and the disturbances in Brussels speedily justified his fears. After the first shock Falck soon realized that it was impossible to retain Belgium, and that the union of all the Low Countries in a permanent monarchy had been a dream, which could not be again evoked, at least by his generation. Nevertheless, he felt bitterly the way in which the loss was allowed to occur, and bewails the blindness of his government. In June 1832 his embassy in London came to an end, and very shortly after the narrative terminates. Falck's active life was, however, resumed in 1839, when the difficult post of minister at Brussels was entrusted to him. It was important to improve relations, and, as Metternich observed, Falck was serving Europe as well as Holland, for it was important to give reality to the two fundamental postulates of Belgium's future—her neutrality and her independence. The first was for Holland the substitute for the barrier treaties; the second, since Metternich supposed that Belgium could hardly be Belgian, meant that she should be rather Dutch than anything else. This period is covered by a reprint of Falck's principal dispatches, not before printed, in the appendix. The courteous, scholarly old man was especially liked in literary circles at Brussels.

The appendix contains a very large number of documents—it is more than half the volume and gives, Dr. Colenbrander tells us, all the important historical material in the private collections. It contains, first, the documents belonging to the memoirs (covering over 300 pages), and then shorter sections giving documents relating to the time of Falck's retirement

after the London embassy, Falck at Brussels, family correspondence, and *Zézette* (his wife, *née* de Roisin). The editing, it is hardly necessary to say, has every appearance of being thoroughly well done, though there are a few misprints in some of the English documents. H. LAMBERT.

The Confederation of Europe; a Study of the European Alliance (1813-23) as an Experiment in the International Organization of Peace. By WALTER ALISON PHILLIPS, M.A. (London: Longmans, 1914.)

THE chapters contributed by Professor Phillips to the *Cambridge Modern History* led us to hope much from the further researches of the gifted author; but the promise of those brilliant sketches is hardly sustained by the achievement of this volume. Not that it does not contain many interesting comments, but that it, on the whole, throws nothing like the same new light on the period as did these chapters. Perhaps the lecture-form in which the book was delivered prevented more fullness of detail or more systematic arrangements. The main thesis of the book is that an attempt at 'Congressional' Government on the basis of universal peace is a process calculated to create more dangers than it averts. This thesis is well worked out in detail in some parts of the book, but the book itself is in no sense a true history of the Holy Alliance and Congress System from 1813 to 1823. It is rather an essay upon some parts of that history, which are used in illustration of the main theme. While an important and scholarly contribution to diplomatic policy, it is less valuable as a history of diplomacy proper. It does not seem apparent that the whole history of the period has been surveyed at first hand by the author, as many really important episodes are passed over at times with scarcely a reference, and as some of these episodes would have much strengthened the main thesis of the book. A close study suggests that these could hardly have been known to the writer in the same detail as those episodes on which he lays more stress. For instance the whole history from 1816 to 1819 is treated with extreme slightness, yet from the Congressional point of view it is of extreme importance, and it abounds in rich unpublished material.

From the technical point of view the references leave much to be desired. The preface refers students (p. ix) to the Bibliography in the *Cambridge Modern History* (vol. x), but very important contributions have been made to the subject since that was published, though the general reader will hardly gather this fact from the foot-notes. The quotations are often made in a somewhat singular way; they are given from the archives without reference to the fact that they have been published elsewhere: e.g. p. 109, a quotation marked 'archives' is printed in Wellington's *Dispatches*, ix. 330, and Hertslet's *State Papers*, ii. 1174; p. 112, a quotation from Castlereagh, November 11, has already been published by Mr. Webster in his paper on 'England and the Polish-Saxon Question', p. 80, in the *Transactions of the Royal Historical Society*, 3rd series, vol. vii, 1913; p. 257, another quotation from 'Cont' is already published in Wellington's *Dispatches*, xii. 805. We have only found one acknowledgement to the Wellington *Dispatches*, but they are certainly quoted a dozen times over by the author without acknowledgement and apparently in ignorance. There is a serious lack of

reference to or acknowledgement not only of documents but of recent historians, e.g. Fournier is not sufficiently made use of, and there is an important article in his *Historische Skizzen* which the author does not seem to have read. Professor Schiemann has also written on the eastern policy in articles which seem almost wholly to have escaped the author. The worst sufferer is, however, Professor C. K. Webster, who is never mentioned at all. Yet in a recent number of this Review (January 1912) Mr. Webster anticipated much of Mr. Phillips's views on Castlereagh and the Spanish Colonies. His paper on 'England and the Polish-Saxon Question' in *Transactions of the Royal Historical Society*, 3rd series, vol. vii, 1913, should also have been referred to. Mr. Phillips must have heard Mr. Webster read a further and still unpublished paper on 'Europe and the Congress System' at the International Historical Congress in April 1913, which tackled some further problems. While admitting that in a series of lectures full acknowledgements to all sources can hardly be made, we think that the omissions in these cases are very serious and should be repaired in a future edition.

In spite of these defects the book contains the conclusions of a fresh and original mind, thoroughly acquainted with the diplomatic technique of the age of Metternich, and capable of expressing itself in terse and vivid language. The attempts to understand the policies of Alexander and Castlereagh are interesting, and certainly throw fresh light on both men. Situations are often keenly grasped and boldly painted. Yet on the whole the contribution is disappointing, at least compared with the earlier sketch in the *Cambridge Modern History*. The lesson that English modern historians need to learn is that works of permanent historical value can hardly be written to-day without the care of a Benedictine and the patience of Job. The *apparatus critici*, the technical knowledge needed by an historian of the early nineteenth century is prodigious. That Mr. Phillips has been unable to master the whole subject is not surprising. But the insight which he showed in a part of it in his previous studies, makes us regret that he has been unable to enlarge, confirm, and extend these studies until they became the foundations of a true historical work. As it is we have to thank him for an interesting historical and political study, which will remain of value less from the advancement of knowledge than from the personal shrewdness of the author's comment and judgement.

HAROLD TEMPERLEY.

A Great Peace Maker; The Diary of James Gallatin, 1813-27. Edited by
COUNT GALLATIN. (London: Heinemann, 1914.)

THIS diary has the merit of being interesting, and it also contains important information. James Gallatin, its author, was the son and secretary of Albert Gallatin, a unique figure among American diplomats. Albert Gallatin was born in Geneva in 1761 of aristocratic lineage. A quarrel with his family drove him to America, where he gradually obtained a position of influence. But, though he loyally accepted the conditions of his new nationality, he remained always a finished product of the old world, and his graceful and tactful diplomacy stands in marked contrast to the

methods of most of his colleagues. His children inherited his love of European culture and institutions, and his son James had all the instincts of a young aristocrat, and hotter blood and a less robust conscience than his father. He was handsome enough to serve David as a model for Cupid, and his accounts of his own adventures narrated with wit and spirit are interspersed among his comments on graver affairs. He had a delightfully puritan mother, but he was fortunate in finding his father tolerant to youth, and he eventually settled down to a sober family life. It was his beauty and his vivacious temperament which made him a favourite in Parisian society and brought him into contact with many people, e. g. the duc de Berri, with whom the ordinary attaché has little connexion.

There is, moreover, some interesting information in the book on important affairs of state. Gallatin was a real diplomatist, and it was his common sense and tact which made possible not only the Peace of Ghent but the subsequent negotiations in London in which an endeavour was made to settle some of the many difficulties that still existed between England and the United States. His struggles with his intractable colleagues, John Quincey Adams and Henry Clay, are well illustrated in his son's diary. Adams hated and distrusted England, and public opinion both in this country and the United States was embittered and inflamed. Fortunately both Gallatin and Castlereagh were cool and sensible men and they soon learnt to appreciate one another. 'Father had a long personal interview with Lord Castlereagh to-day,' records James on May 18, 1815. 'They have both agreed that this is the wiser method to pursue. Lord C. told him they did more in an hour than, when all met, in a week. Father has the same confidence in his lordship's wonderful quickness in grasping matters, also his sound good sense of justice that Lord C. seems to reciprocate.'

Gallatin was stationed in Paris from 1815 to 1823. James perhaps scarcely does justice to his professional work. But he gives a vivid picture of Parisian society and some illuminating glimpses of Madame Recamier, Madame de Staël, the unfortunate wife of Bernadotte, Pozzo di Borgo, and others. Moreover, he was a witness of the assassination of the duc de Berri, and he also records the fact that the duchesse herself was responsible for the later outrage outside her window. Even more interesting is his description of how Gallatin became aware of the way Napoleon had tricked the United States into war with England. According to James the duc de Bassano gave Gallatin by mistake a copy of a Trianon Decree of August 1810, of which the United States had hitherto known nothing.

Had it been known there would not have been any war between England and America. . . . Never before have I seen my father so angry: he absolutely lost control of himself and used the strongest language. The underhand meanness, the perfidy, injustice, so low and despicable. It was the Emperor's wish, evidently, to do all in his power to crush a young and rising nation.

In 1826 Gallatin was sent on a special mission to London, and his son was resident there at the time of Canning's triumph and of his death. He and his father saw the king just after the struggle between Canning

and the old Tories, and James supplies some illuminating evidence of the feelings of king and premier, as the two following entries show :

April 15, 1827. We were received by his Majesty who was lying on a divan—he could hardly hold himself up. Lady Conyngnam was present at first, but at a nod from the king retired. She looks as if she had something of a temper. The king spoke on several political subjects, and for a wonder with great lucidity. He said suddenly, ‘Canning is a damned old woman’.

Albert Gallatin to Henry Clay, April 28, 1827. At the dinner of the 23rd Mr. Canning came near Baron Humboldt and me and told us ‘you see that the opinion universally entertained abroad and very generally indeed in England, that this Government is an aristocracy, is not true. It is’, said he emphatically, ‘a monarchy. The Whigs had found it out in 1784 when they tried to oppose the king’s prerogative of choosing his Prime Minister. The Tories have now repeated the same experiment, and with no greater success.’

No pretence is made of editing the book. A few references to Gallatin’s writings and some attempt to explain one strange slip of James’s might have been of some use. But the diary tells its own tale, and it is worth reading merely for the excellent stories on pp. 99, 143, 155, 175, 231.

C. K. WEBSTER.

A History of Northumberland. Vol. X. *The Parish of Corbridge.* By H. H. E. CRASTER. (Newcastle-upon-Tyne : Reid, 1914.)

Roman Britain in 1913. BY F. HAVERFIELD. (The British Academy Supplemental Papers, II, 1914.)

MR. CRASTER’S is no ordinary village story, for three main continuous lines carry back the record of Corbridge to the beginnings of Britain. Notwithstanding some concurrence of authorities contrary, there is room to believe that Corstopitum derived its name from the Corionototae, a tribe apparently of the vicinity, mentioned on an altar at Hexham. A point on the great northern road system of Rome which was to pass under the turnpike acts; a great bridge which on two adjacent sites has spanned eighteen centuries; a Roman military dépôt followed by an Anglo-Saxon hamlet which grew into a royal manor, a medieval borough, and a modern village of villas—the historical succession is striking. The nexus of past and present is finely typified by the facts that the Roman site was not completely ploughed over until 1810, and that the shaft of Corbridge market cross rested on the top of a Roman altar. When it is added that the Scottish invasions gave unity to what may be called the foreign politics of the place from the eleventh century to the eighteenth the question arises, How did Corbridge fail to become a district capital? Why was it not a far greater centre of events? The best answer is, because it had no castle. Overshadowed by Hexham, it was ecclesiastically insignificant in spite of a church foundation attributable to St. Wilfrid. Interesting manorial perquisites of the residents set forth in a concord of 1235 show town and bridge as the intersecting point of six roads, chief of which was Dere Street, better known now as the Watling Street. Long a principal way, that road became secondary by the twelfth century and the town ceased to be primary. Carlisle is situated somewhat similarly, but the road there

remained the chief route and Carlisle acquired a castle, a cathedral, and a county, while Corbridge was set aside by Newcastle.

A chapter on the structural development favours the impression that the grouping of the buildings was round the church. Old street names, e.g. Synodgat, Narrowgate, Smithygate, Colwell Chare, Scamblegate, reveal a considerably articulated community, whose 'assemblee' on Easter Day near the Gallow Hill and Holm has unfortunately evaded contemporary description. Its great annual occasion, however, was the Fair of Stagshawbank (the 'Staneshiebank fair' which Dandie Dinmont knew), a famous Northumbrian cattle fair, still carried on. The townsmen never obtained a charter; Corbridge was a borough by prescription only, and its last act in that corporate capacity was so far back as 1453. Its most important historical possession was the Roman bridge, the bases of the piers of which can still be seen in the Tyne, crossing south of the Roman town. 'Et Corabrig' (at Corbridge), occurring as the name of the place in 786, may refer to that bridge; but in 1235 the bridge then projected, which was in being in 1256, was on a more easterly site south of the medieval town, and had later a ferry in connexion. References to the maintenance of the bridge in repair occur from time to time in the records.

Professor Haverfield contributes a complete account of the Roman remains, thorough, learned, and safe, as his manner is. If there is anything further to desire, it might be a bolder proposition as to the relation between the Wall and the stations of Hunnum and Corstopitum, if not as to the Wall and Vallum themselves, the grave of so many speculations. Dere Street which has previously had much attention from Mr. G. Watson, Mr. James Curle, and Dr. G. Macdonald, is once more dwelt upon by Mr. Craster and Professor Haverfield, so that now almost all the evidence from archaeology and archives is available. One curious and remote piece of guidance for the sense of the name deserves to be added to the register. It comes from the strange song which Egil Skallagrimsson made for King Athelstan. A term there used is 'hrein-braut', which old and new glossators render as 'via rangiferi' or 'reindeer's road', and which, from its context in the poem, evidently denotes the wild tract of road and territory over the northward mountain and moor. The archaeologists tell us that reindeer bones were found in the brochs, and one saga records that these animals were hunted in Scotland by Norsemen. This seems to point a very tolerable, if not definitive, shot at the true meaning of Dere Street as essentially analogous—a half-figurative 'wild-deer' track to the unknown north.

Of Mr. Craster it is not too much to say that he is a complete exponent of the Northumbrian spirit. He has exhausted the chronicles and charters; he has an appendix of deeds which is almost a cartulary; and pedigrees, antiquities, and annals are treated with equal loyalty to the exacting standard set by his predecessors and himself in earlier volumes. A Scottish reviewer naturally checks the allusions to the Scots as a good test, but Mr. Craster triumphantly withstands a borderer's attempt to get behind his guard. His volume does honour to Northumberland by this faithful and distinguished segment of its history.

The yearly bulletins of Professor Haverfield on Roman Britain have the

great merit of providing a survey of current discovery and study by the one discoverer and student fittest to review its course. In 1913 important advances fell to be recorded, derived from operations at Corbridge and from speculative digging at Ythan Wells, 30 miles north-west of Aberdeen. The latter was the enterprise of the professor himself and Dr. Macdonald. The balance of indications wavers between Agricola and Severus in the assignation of a date to the encampment, but its definitive welcome as Roman extends the accepted region covered by the armies of Rome in northern Britain. New details on the Wall of Hadrian, resulting from excavations by Mr. F. G. Simpson, are mentioned with an admirable frankness which a smaller man might have found difficult when the fresh facts conflict with his own earlier theories. On the other hand, when new light offered is not to be trusted, his opposing opinion is firmly but suavely set forth, as when he encounters Mr. Bushe-Fox's suggestion of a date, A. D. 71-4, for the first Roman occupation of Carlisle, as against the later claim for Agricola.

GEO. NEILSON.

Early Yorkshire Charters. Vol. I. By WILLIAM FARRER, Hon. D.Litt. (Edinburgh : Ballantyne, Hanson & Co., 1914.)

THERE is no department of local history more ripe for investigation, more fruitful in promise to historians and to genealogists, or more needing skilled and patient treatment than our early deeds and charters. For the first half of the twelfth century they form our sole substitute for national records, bridging the interval between Domesday Book and the baronial returns of 1166 ; and for the remainder of the century they form an indispensable adjunct to the Pipe Rolls. It is only with the reign of King John that continuous series of chancery and exchequer enrolments make their appearance and begin to surpass non-official records as material for the study of local history. At the present time those who study the history of particular families or of definite localities in the twelfth century are sadly handicapped in their quest for material. The vast unindexed volumes of Dugdale's *Monasticon* have to be laboriously quarried, since their contents are not arranged in a manner suitable for rapid reference ; in such monastic chartularies as have been published the dates of the earlier deeds are usually left unsettled, and considerable knowledge is required to fix them ; early deeds printed in county histories can only be discovered by diligent search. Above all things, workers in this field are confronted with the impossibility of obtaining a conspectus of the whole material that lies available.

The need of a corpus of all known twelfth-century deeds and charters is consequently great. It can best be provided on a county basis, and we therefore accord all possible welcome to Dr. Farrer's *Early Yorkshire Charters*, a work intended to be completed in four volumes, of which the first has now made its appearance. In his edition of *Lancashire Pipe Rolls and Early Charters* for the Lancashire and Cheshire Historical Society Dr. Farrer entered on the field in which he is now advancing. Yorkshire is a more formidable undertaking. Six hundred and forty-four deeds are included in the first volume, and the total number collected must conse-

quently be well over two thousand. This large total is due less to the size of the district than to the number of monastic chartularies extant for a county which was rich in great monasteries, since it is from them that the large majority of the deeds here printed are derived. Many of these chartularies have not yet been edited, notably that great storehouse of monuments, the York *Registrum Magnum Album*, several Fountains chartularies, and an important chartulary of St. Mary's Abbey at York in the John Rylands Library. Consequently the proportion of previously unpublished deeds in this collection is considerably higher than would be the case with most other counties. Editors undertaking similar work for other parts of the kingdom might well consider whether it is worth giving more than abstracts of deeds already in print; but since Dr. Farrer is solely responsible for the production of this work, it would be ungrateful to criticize his decision to print all deeds in full, the more so since a publication of all known deeds *in extenso* lightens the labour of those who consult his work. In his introduction he lays stress on the need of printing early deeds without any omission, and finds fault in this respect with a recent publication of the Surtees Society. It should, however, be stated that in the document which he specially cites the blanks are not due to 'the injudicious excisions of the editor', but to lacunae in the manuscript, although it is true that these could have been supplied by help of a transcript among the Dodsworth MSS.

Dr. Farrer commences with nine pre-Norman documents, to which Mr. W. H. Stevenson has supplied emendations and commentaries. The seventh and ninth were first published by Mr. Stevenson in a recent volume of this Review (vol. xxii). Three writs of Edward the Confessor, which might have been added to this section, are given in the body of the work (nos. 10, 11, 87). Then follow sections dealing respectively with the archbishop of York's fee, the city of York, and the Crown fee, after which come five baronies in alphabetical order. In view of the mass of deeds with which the editor has to deal, his decision to group documents under baronies is certainly a wise one, although in the case of a smaller undertaking a purely chronological arrangement might have much to recommend it. But the editor's arrangement of deeds within each section is more open to criticism. Here at least the chronological order might have been preserved, and although the reasons for the order adopted may have been clear to the mind of the editor, they are less obvious to others, and the result is a travelling backwards and forwards in time, very perplexing to a conscientious reader.

While resisting the temptation to annotate too freely, Dr. Farrer supplies most useful comments to many of the documents printed by him. A list of the principal topics dealt with in these notes is given in the introduction, where attention might have been drawn to the interesting note on p. 94 on the antiquity of the carucate system in the north of England. Each deed is carefully dated: the assignment of dates to undated documents is the most difficult part of an editor's work, and Dr. Farrer does not as a rule give his reasons—to have done so in every case would have swelled the volume considerably—but we may rely upon his conclusions and appreciate the labour entailed in forming them. The collection is as

exhaustive as it well could be: only two charters of William I and William II respectively, numbered 269 and 338 in Mr. H. W. C. Davis's *Regesta*, have been omitted from the series, and Dr. Farrer has not noticed that the original of deed no. 561 in his list is no. 18 of the Crawford Charters in the Bodleian Library.

Next to the numerous royal charters included in this volume the most interesting series of deeds is that relating to the city of York. No fewer than 148 twelfth-century deeds are included in this section, chiefly derived from the chartulary of St. Mary's in the Rylands Library and from a St. Leonard's chartulary in the Cottonian collection (Nero D. iii), and very few of them have previously appeared in print. Amongst them we may select for special mention the grant of a house in Clementhorpe, with reservation of rights of lodging on the part of the donor (216), the grant of free dower to a wife 'ad ecclesie ostium ubi illam desponsavi' (316), the grant to St. Peter's Hospital of two churches in Walmgate subject to the life-interest of the donor's son (327), and the grant of the weavers' guild (349). Surrenders by rod and staff are frequent (e. g. 257, 281, 295). There is a remarkable absence of municipal officers among the attesting witnesses; but 'magister Godardus primarius Eboraci', who heads the witnesses to a deed of 1200-15 (no. 207), presumably held the office of mayor or port-reeve, and was the predecessor of Hugh de Selby, who witnesses as mayor a deed of 1212-25 (no. 213). We look forward to the treatment of the remaining baronial fees in the three succeeding volumes, and especially to a full index which, it is to be hoped, will complete the work.

H. H. E. CRASTER.

Oxford Studies in Social and Legal History. Edited by P. VINOGRADOFF.
Vol. iv. (Oxford: Clarendon Press, 1914.)

THE first of the two dissertations which make up the latest volume of this valuable series is a most welcome contribution to English legal antiquities, a study of the 'History of Contract in Early English Equity', by Professor W. T. Barbour, of the University of Michigan. The selections hitherto published from the huge mass of some 300,000 cases before the end of the fifteenth century by the Record Commission, in the Deputy Keeper's Reports, and by Mr. Baildon, in his Selden Society volume, are too general to form the basis of a thorough investigation of any particular aspect of the chancellor's new jurisdiction. Professor Barbour was therefore well advised in confining his attention to cases in which questions of contract were raised. Even he does not profess to have examined more than a part of the early chancery petitions in this one field alone, but he bases his analysis upon no less than 500 transcripts made by him chiefly from the petitions of the first half of the fifteenth century, when the chancellor's intervention was comparatively a new thing, and in an appendix of over sixty pages he prints a selection of the more interesting cases.

The motives which prompted recourse to the chancellor are sufficiently apparent from the petitions. Absence of a remedy at common law, owing to its formalism and feudal narrowness, was the most usual reason and the most important for the future growth of equity. The common law,

for instance, was very inadequate to meet the needs of the increasing trade of the country. It did not enforce parol agreements, its recognition of agency was extremely rudimentary, and it took no cognizance of contracts made abroad. The chancellor's jurisdiction was therefore a godsend to the commercial class, and 'it was he rather than the judges who gave recognition to the claim of the *lex mercatoria*'. Even a defendant's resort to the primitive wager of law was recognized as a valid ground for an appeal to equity. But even when the common law provided a remedy it was sometimes insufficient. For a breach of a contract which it recognized damages could be obtained, but specific performance was not enforced. More often the remedy was adequate, but could not be had, owing to the disturbed state of the country. The Wars of the Roses largely increased the number of cases which were taken to the court of chancery. In these early days, too, it gave a speedy remedy, for there was keen rivalry with the courts of common law, and the chancellor was not hampered by elaborate rules of procedure.

Apart from the scope of equitable jurisdiction, the chief interest of Professor Barbour's inquiry turns upon the question of the principles applied by the chancellor, their origin, and their influence upon the common law. These principles are not always obvious, for judgements are rarely recorded; but the difficulty is not insurmountable, though it is candidly admitted that 'it is impossible to determine absolutely the ground upon which chancery proceeded'. Professor Barbour makes out a strong case against the rather paradoxical view of Ames that the chancellor went to the common law for some at least of the doctrines which he applied. His own conclusion is that we seem to be driven to seek their source in the canon law, but time has not yet allowed him to verify this view. With regard to the influence of chancery theory upon the common law, Professor Barbour finds himself again in disagreement with Ames, and seems inclined, with Salmond, to trace the origin of the doctrine of consideration to the treatment of contract in equity rather than to a purely internal development within the common law.

Despite some inevitable technicalities, the author's exposition can be followed with little difficulty by the non-legal reader; it is clear, concise, and not infrequently relieved by his sense of humour. In the way of omission or error we note only an underestimate of the prevalence of an action of covenant without sealed instrument in borough custom (p. 19) and the slip *Count* of Salisbury for *Earl* of Salisbury (pp. 75, 112).

The social side of the series is represented by a study of 'The Abbey of St. Bertin and its Neighbourhood, 900-1350', by Mr. G. W. Coopland, lecturer in medieval history in the university of Liverpool. This is an extremely valuable analysis of a great mass of material bearing upon the agrarian and social condition of the present departments of the Nord and Pas-de-Calais in the critical centuries between the heathen invasions and the hundred years' war. In spite of the destruction wrought during the Revolution, there are still preserved in the Archives Départementales at Arras large numbers of unpublished documents once belonging to the great abbey of St. Bertin at St. Omer, and these, with the manuscript archives of the chapter of that city and the chartularies of the abbey of

St. Vaast at Arras and other houses of the region between the Somme and the Meuse, form the sources utilized with great labour by Mr. Coopland for his monograph. Scanty at first, this material becomes gradually more abundant as the land recovered from the anarchy of the ninth and tenth centuries. The development which it reveals, when compared with the contemporary conditions on this side of the channel, presents striking differences as well as parallelisms. Holdings are dispersed in many scattered strips in the open field, but there is no clear evidence of a three-field system. Serfdom lingered on in the thirteenth century, though enfranchisement was proceeding by various avenues, including marriage with free women whose progeny were *ipso facto* free, but the week-work on the lord's demesne, which in England was still so marked a feature of villein tenure, had ceased to exist in the region under observation, certainly in the twelfth century, and probably in the eleventh. A comparison of this development in the north-east of France with the conditions in Normandy, where, as Delisle pointed out, servitude early disappeared, would be of considerable interest. Serfdom in the former district Mr. Coopland traces not to impairment of the status of original freeholders but to the installation of *hospites* or dependent freemen upon lands belonging to a great lord or institution. Somewhat similar settlements are recorded, it may be noted, for the west of England in the *Rectitudines Singularum Personarum* and in *Domesday Book*.

The disappearance of week-work must have removed one great obstacle to the division of holdings and by the fourteenth century this process had gone to great lengths. Mr. Coopland estimates that the extent of *morcellement* about 1300 was probably greater than that which existed on the eve of the Revolution of 1789. Sales were frequent; 'the passion for acquiring fresh portions of land to round off an inheritance, described with such terrible detail in Zola's *La Terre*, is not a modern phenomenon in France, and we see it in full vigour six hundred years ago.'

We have called attention to a few of the more important points elucidated by Mr. Coopland's researches, but on many others he provides the student of medieval, social, and agrarian economy with new and authentic material and with cautious discussion of its bearing. His chapter on land-measures, to take a single instance, serves as a useful corrective to the somewhat hazardous deductions of Mr. Seebohm's posthumous book. Among sidelights of interest may be noted the apparent mention of English cheese as imported into northern France in lists of tolls dated 1024 and 1036 (p. 51). Or must we suppose that this is a later interpolation in the lists? A careful bibliography and useful sketch-maps add to the value of a piece of work which rouses expectation of further researches from the same hand.

JAMES TAIT.

Short Notices

MR. H. MATTINGLY'S *Outlines of Ancient History* (Cambridge: University Press, 1914) is an attempt to compress the history of the ancient world from the Sumerians to Romulus Augustulus into 482 pages of rather large print. A book which quotes the *Student's Roman Empire* as an authority, devotes only fifty pages to Egypt, Babylonia, Assyria, and Persia, and employs the form 'Sextus Pompey' or even 'S. Pompey', might seem scarcely to need notice in these columns. But the histories of Greece and Rome are treated in greater detail and with some skill and knowledge, and suggest that the author is a competent historian sadly hampered by his narrow limits. Yet even here there are passages of such brevity as to be almost unreadable. The book may be of some use in the upper forms of schools, though technical terms such as 'princeps iuventutis' and 'a rationibus', used without explanation, may prove puzzling to boys, and even masters may have a little difficulty with the highly technical 'key' which accompanies the five charming coin-plates. The attenuated maps, on transparent paper and almost devoid of physical features, add little to the value of the book.

H. J. C.

Professor Crawford Howell Toy's *Introduction to the History of Religions* (Boston: Ginn, 1913) is the fourth, though logically it should be the first, of Dr. Jastrow's Handbooks of the History of Religions. It is remarkably comprehensive in its scope, as it is concerned with the characteristics, institutions, and ceremonies of all known religions, from the crudest habits of savages to the most elaborate developments of the religions of the present civilized world. The task could only have been accomplished by a scholar of very wide reading and sober judgement, and these qualifications can certainly not be denied to Professor Toy. In his foot-notes and bibliography we find references to a very large number of anthropologists and travellers, editors of sacred books, writers on the history and philosophy of religion, &c. His object is throughout to give facts rather than theories; but in discussing highly controversial points, such as the origin of totemism, the migration of myths, the meaning of sacrifice, he not only states but criticizes the views of the most prominent writers on the subjects. As an American and as a Hebrew scholar, he naturally seems at home in Biblical and in Red Indian lore; but oriental, northern, and Polynesian religions come within his compass. The division of his subject is partly according to nature of institutions, partly on the lines of historical development, so that a certain amount of repetition is involved, though any confusion is obviated by cross-references. Of course, a large part of the work has to do with prehistoric or non-historic societies. The three last

chapters are on historic ground: the Higher Theistic Development, the Social Development of Religion, and the Scientific and Ethical Elements in Religious Systems. This portion, however, though expounded with lucidity and great sobriety, is hardly amenable to so thorough an investigation as is given to the more limited subjects. As Professor Toy says in his preface: 'References to the higher religions are introduced for the purpose of illustrating lines of progress.' The table of contents and the index are made with the care that a work of this kind demands. On the whole, we should hope that it would come into use as a first-rate text-book for the beginner in the study of comparative religions, and a very useful book of reference for all interested in anthropology and in religious history.

A. G.

We are glad to see that a third edition of W. T. Arnold's *Roman Provincial Administration*, revised by Mr. E. S. Bouchier (Oxford: Blackwell, 1914), has been called for, and to note a substantial improvement in the bibliography, the addition of some useful references in the foot-notes, and the provision of an appendix giving a table of the provinces, with the facts concerning their acquisition. We regret, however, that the reviser has omitted the preface to the second edition, which contained some interesting biographical details of the author and a note by his widow. The reviser has also failed to profit by some of the corrections of detail made in a notice which appeared in this Review in 1907 (xxii. 325). H. S. J.

St. Basil the Great, a Study in Monasticism, by Mr. W. K. Lowther Clarke (Cambridge: University Press, 1913), is a sound and interesting piece of work. Mr. Clarke gives a good account of Basil's life, so far as it was concerned with the practice and inculcation of monasticism, and of his ascetic writings. In his estimate of the influence of Basil he agrees with other good scholars, such as Mr. Adrian Fortescue; but his tone is free from the asperity, generated by competition, of that learned writer. Both lay emphasis on the denial of eastern monks that they are followers of St. Basil, and condemn the common description of them as Basilian. Mr. Clarke, however, does justice to St. Basil by showing that, without him, monasticism could not have taken the form it did, though Basil's scheme for the ascetic life has in some important features been abandoned. If his plans had been followed, monasticism would have been more devoted to works of charity and learning than it has ever been in the east; and the several houses, instead of living in isolation, would have been organized in orders. But Basil's rule was too vague and homiletical for strong government; he did not impress himself upon his followers as did St. Benedict, himself an admirer of Basil and a borrower from his rule. Mr. Clarke traces the development of the Basilian system (if such it can be called) in the eastern and the western communions, but neither he, nor even Heimbucher, tells us how far Benedictine ideas, such as that of stability, have modified Basilian practice among the Uniates. And, after all, since it was St. Basil who introduced Pachomian ideals into the Greek-speaking world, it is well to follow Heimbucher's example in maintaining the name 'Basilian'. Eastern monks have only followed a uni-

versal tendency of thought in imagining an unreal antiquity for the institution to which they are devoted. Justice and conscience are satisfied if we allow to St. Basil his traditional honour. E.

In the twenty-fifth volume of the *Harvard Studies in Classical Philology* (1914), Professor C. H. Haskins makes a valuable contribution to our knowledge of the *Mediaeval Versions of the Posterior Analytics*. He has discovered a thirteenth-century manuscript at Toledo containing three Latin translations of the work, one of which is entirely unknown. The preface to it here printed mentions not only the version by James of Venice (the existence of which, in spite of the testimony of Robert of Torigni, *a.* 1128, has been disputed) but also commentaries on it by the same writer. It appears then that there were three translations of the book earlier than that made from the Arabic by Gerard of Cremona, who died in 1187. F.

The first volume of *Stadsrekeningen van Leiden, 1390-1434*, edited by Mr. A. Meerkamp van Emden (Amsterdam: J. Müller, 1913), under the auspices of the Historisch Genootschap, contains good material for the history of civic finance in the later middle ages. During the period chosen for illustration, the city freed itself on the one hand from its hereditary burggraaf, whilst on the other hand it passed under the overlordship of the house of Burgundy. The municipal income, which was about £160 in 1392, had risen to £1,500 in 1434, whilst the outgoings had expanded from £170 to £2,000 (i. e. 1,700-20,000 pounds of Holland). The increase was mainly due to direct expenditure on war or to taxation by the overlord for that purpose, which often absorbed as much as £5,600 to £6,000 in a year. The additional amount was raised at first by a direct property tax (a *schot* of 2s. 8d. in the £ produced about £820 in 1400), but afterwards mainly by an extensive development of excise duties, which produced about £560 in 1413, and about £1,720 in 1427. As even this resource was not found adequate, considerable loans were contracted by the sale of annuities to citizens of Leyden, Bruges, Antwerp, &c. In 1413, £520 was thus raised. It was the development of this form of finance that led to municipal bankruptcy at the close of the century. A close parallel is afforded by the dependence of Richard II and his successors on loans from the English cities and towns (London lent £6,666 13s. and Bristol £800 in 1397). In Holland, as in England, the civic oligarchies made advances on the security of the taxes, and this procedure is closely connected with the development of municipal monopoly and exclusiveness, and of restrictive mercantilist legislation in the fifteenth century. The records given in this volume include six complete annual accounts of the four *burgemeesters* elected by a select body of citizens to represent the four wards, and one complete account of the *homans* chosen by the wider body of citizens to control the levying and administration of the new excise, as well as full account of the expenses involved in five military expeditions. The second part will cover the financial history of Leyden during the most eventful years of its municipal development. G. U.

Signor Pietro Egidi has completed the second volume of his *Necrologi e libri affini della Provincia Romana* (Rome: Istituto Storico Italiano, 1914), of which the first volume was noticed in this Review in 1909 (vol. xxiv, p. 332). This section, prepared on the same principle as the preceding, contains all the names registered down to 1500—and a few later—in the confraternity books of S. Maria dell' Anima, Santo Spirito, the *Sancta Sanctorum*, and S. Maria in Portico. Most of the names belong to the latter half of the fifteenth century, and give an interesting picture of Roman society at that date. The first is chiefly concerned with the German, Dutch, and Flemish members of the *Curia*, and includes a very few English names. The second includes a large number, but as many of these are names of pilgrims, and many more are those of persons who were admitted by proxy, it does not reflect the society of Rome itself so closely as the others. It is rather a list of the pious of all countries of the Roman obedience. The English names have been independently collected by Mr. J. A. Twemlow, but are still unpublished. The third and fourth are almost purely Italian, the one being full of noble names, while the latter consists of tradespeople and the humbler clergy. Signor Egidi lays stress on the difficulty of correctly interpreting the various foreign names in the first two books after their transmogrification by Italian scribes. *Ap* in Welsh names seems to have troubled him a good deal, as have such names as Urswick and Elphinstone, but he is hardly to be excused for reading *Detleuum* as *Detleunen* (p. 104), or for the apparent confusion of Dunblane with Dublin (p. 238). Among the names in the register of S. Spirito are those of John Colet, who visited the hospital in 1493 and inscribed the names of his parents and brothers (p. 276), abbot Wallingford (p. 255), Andrew Forman and Robert Blackadder, envoys of the king of Scots, and Oliver King, presumably the same who was bishop of Oxford (p. 309). Henry VII (p. 141) appears with many other potentates, and the Lady Margaret is registered twice within twelve months. Some of the other entries are also in duplicate. Nine facsimiles are given, including the signature of Bessarion, with a few words in Greek, and a beautiful miniature showing the portrait of Christ, preserved in the *Sancta Sanctorum*, with some of the brethren kneeling beneath it. This last is from a manuscript discovered just after the publication of the last volume, which will be utilized for the correction of the obituary there printed from a transcript. It is to be hoped that Signor Egidi will be able to obtain expert assistance in order that the names of foreigners may appear correctly in the promised index. With this trifling exception his transcription appears excellent.

C. J.

Dr. J. J. van den Hoek's book on *De Veldtocht van Prins Maurits in 1597* (The Hague: Nijhoff, 1914) is a study of the successful campaign in which the United Provinces succeeded in driving the last Spanish troops out of Dutch territory. It began with a successful battle at Turnhout, which was important both from a military point of view, because it prevented the Spaniards from sending help later to their eastern garrisons, and from a political point of view, because it was evidence to Henry IV and Elizabeth, who had just made an alliance with the United Provinces,

of their strength and determination. The campaign continued with the conquest of Rijnberk and Meurs, and ended with the surrender to the Dutch of the eastern garrisons, Grol, Bredevoort, Enschede, Oldenzaal, and Ootmarsum. The success which Maurice achieved was no doubt in part due to his skill, caution, and resolution; but it was also due to the weakness of the Spaniards, whose forces were mainly engaged against the French, and whose financial straits were such that they could not pay their soldiers, or even, it would seem, keep adequate supplies of powder in some of their garrisons. Dr. van den Hoek's narrative is clear and interesting, and appears to be based on a careful study of contemporary accounts. The book is illustrated by a plan of the battle of Turnhout and plans of the principal places besieged taken from Bor's *Vervolch der Nederlandsche Oorloghen*, 1684. In an appendix some of Maurice's dispatches are reprinted.

H. L.

In *The Royal Stewarts*, by T. F. Henderson (Edinburgh: Blackwood, 1914), we have a popular book of the best type, written by a recognized authority on the subject, and provided with a carefully selected bibliography. Mr. Henderson's style is clear and pleasant to read, and he does not fail to do justice to a story which, though it is familiar enough, is told here with the freshness of an individual point of view. He covers the whole career of the house of Stewart from the High Steward who became Robert II of Scotland to Cardinal York, who died a pensioner of George III. In dealing with historical issues from 1371 to 1807, Mr. Henderson comes across many points of acute controversy, on most of which he takes a definite line. He is a staunch defender of the first James; he accepts the traditional estimate (challenged by Mr. Lang) of James III; his 'anti-Marian' views have been expressed at greater length in his biography of the queen, and are put here with force and vigour; he has many kind, and some new, things to say of Charles I. We have noticed very few slips. It is not correct to speak (p. 39) of the three estates in the Scottish parliament in the time of James I as prelates, nobles, and freeholders. Nobles and freeholders constituted one estate until, after the creation of lords of parliament by James II, the attendance of freeholders gradually died out; the burgesses formed the third estate. The statement that 'by her will Mary had made over her interest in the English succession to Philip II of Spain' should be revised in the light of Mr. J. D. Mackie's discussion of the subject in the *Scottish Historical Review* for April 1914.

R. S. R.

In the Massachusetts Historical Society *Proceedings*, November 1914, in a paper entitled 'The Plymouth Settlement and Tisquantum', Mr. L. N. Kinnicutt gives some weighty and ingenious reasons to suggest

that the Pilgrims had at least a half-formed intention of settling in the vicinity of Cape Cod before they left England; that Sir Ferdinando Gorges, probably unknown to them, used indirectly every possible measure to accomplish this purpose; and that Captain Thomas Dermer and the Indian Tisquantum were to have been important factors in the scheme.

I think Sir Ferdinand Gorges is entitled to the name sometimes given to him—'the father of New England colonization', and although he could not claim Plymouth as his own child, I believe he was the family physician in attendance at its birth.

H. E. E.

The second volume of Sir Richard Carnac Temple's edition of *The Travels of Peter Mundy in Europe and Asia* (Hakluyt Society, 1914) contains sixteen 'Relations'—Nos. iv to xix—covering the period 1628 to 1634, during which Mundy was in the service of the East India Company in its factories at Surat and Agra. The volume includes also his logs of the voyages out and home. The reproduction of a number of his original sketches of scenes on the way out, e. g. Table Mountain, of objects, such as fishes, seen *en route*, and of Indian places and fauna, &c., adds greatly to the interest. The dodo, as well as the 'Mauritius henn', was still extant when Mundy passed, but from the relation given here, it is not clear that he saw a specimen of either on the island, though he certainly saw two dodos in the Company's house at Surat. A further notice of both these birds is promised, however, in a relation still to come. He was an observant, interested, chatty traveller, this Mundy, and no mean draughtsman, and the Hakluyt Society and Sir Richard Temple deserve our thanks for making his relations accessible. As we thought of the first volume, so we think of this, that the introduction is too long, containing overmuch of very minor interest, such as the family history of the Mundys, and a needless anticipatory précis of the main narrative. Sterner editing by the Society's officers would not come amiss; but we do not wish to discourage for a moment its 'making of many books'. G.

The last instalment of Mr. Foster's valuable calendar of the documents relating to *The English Factories in India, 1646-50* (Oxford: Clarendon Press, 1914), contains little of special interest. Once more we note how the economic life of the Far East went on, in spite of political troubles at home. The execution of Charles I was not, indeed, without possible effect in countries where the monarchical spirit was strong. 'How the report of this tragicall story of our King's beheadinge,' we find the Ispahan factors writing,

will take with this Emperour and nobles future tyme must demonstrate; but give us leave to express our feare, opining that it wilbe deem'd so haynos a matter of such high nature (they not knowinge more then that our King is Kild) that they will not only account of us your servants and nacion contemptable unworthy people, but retract from your worships that moyety of custome (and perhaps other immunitys) which soe long you have (though in a dishonorable manner) enjoy'd and deerely purchast. Or admitt that they doe not thus relish the accion (which, by the language of others, wee somewhat suspect, being told of the King's death by the Shawbunder almost soe soone as ourselves (too soone) knew it), yett will they be apt to say that this league of freindshipp and agreement was made betwixt this and our Kinge, in whose right wee have hitherto sitt ith [i. e. in the] Custom house with them, whoe, now being defunct, this amity and condition is to be of noe longer continewance.

In point of fact, Mr. Foster tells us the death of King Charles was not yet known at the Persian Court in September 1651. The precarious position of the English at Surat is well brought out by the circumstances connected with the retirement of the president, Breton. When preparing to embark for home, in the beginning of 1649, he was prevented by the native governor, who, alarmed at the attitude of the Dutch, leant on his advice. Breton, against his own inclination, found it necessary to remain, to the chagrin of his

appointed successor, Thomas Merry. The difficulty was finally settled by Breton's death; and the letter, in which Merry finds fault with his predecessor, recently dead, is a specimen of ill nature and bad taste hard to parallel. The mind of the company was still expressed in the following words written in February 1650; but we can well understand how the logic of events drove them to a more forward policy.

The Dutches undertaking, both in Gombroone and the Manicilles wee note by the waie, supposinge they have made conquests enough, if they could be content and keep that in peace which by warr they have gained. For your parts, wee desire that you shall not meddle with their affaires, but leave them to such their aspiring thoughts, and applie yourselves unto the good of our trade and prosecution of our business in those parts.

Of political events mentioned in this volume perhaps the most important is the taking of Kandahar by the Persians (December 1648), an attempt by Indian troops to retake it ending in failure (August 1649). H. E. E.

The third volume of the new edition of Professor P. J. Blok's *Geschiedenis van het Nederlandsche Volk*¹ (Leyden: Sijthoff, *s.a.*) extends from 1648 to 1795. For the latest part especially a good deal of new material has recently been published, and Mr. Blok has neglected no part of it. We would, however, express a hope that, when another edition is called for, the editor may be persuaded to issue it in three or four times as many volumes of less ponderous dimensions. A volume of more than 700 pages, of the largest octavo, each page containing 54 lines of such extreme length that the eye can with difficulty pass from one to another, may be suitable for a work of reference, but hardly for a book meant to be read through. H.

François Bernier's *Travels in the Mogul Empire*, A. D. 1656-68, have long been very familiar through numerous editions in French and English, not to speak of other European languages. The last English edition was prepared by Mr. Archibald Constable in 1891. The plates of this book have now been reissued with 'numerous minute emendations' by Mr. Vincent A. Smith, who has supplied in a preface three pages of notes and a table verifying Mr. Constable's references to Catrou in Manucci's recently published *Storia do Mogor* (1907-8) from which Catrou derived his statements. These are valuable additions, but they hardly constitute a 'second edition'; and it is surprising that a book bearing Messrs. Constable's Edinburgh imprint should be described on the title-page as published by Humphrey Milford, Oxford University Press. I.

Canon R. E. G. Cole has done a valuable piece of work in editing the *Speculum Dioeceseos Lincolnensis* (Lincoln: Lincoln Record Society, 1913), so far as it concerns the two archdeaconries which contain the county of Lincoln. The *Speculum* is a précis of the information collected by Bishops Wake and Gibson in their visitations between 1706 and 1723. It tells, over an area wide enough to be representative, what were the

¹ See *ante*, xxviii. 189, xxix. 792.

population of the parishes, the number of dissenters, the residence or non-residence of the incumbents, the state of the parsonages, the income of the clergy; and incidentally it throws light on many other points of interest. The recorded dissenters seem to have been about one in fifteen of the population, and the Anabaptists much the most numerous of them. The state of the parishes explains the growth of methodism in the generation which followed. Non-residence was common, and far more prevalent than could be justified by the small size of many parishes. There were no fewer than 627 separate benefices; to-day there are only 579, in spite of the division of the larger towns. The evidence about the services held shows that things were much the same as they had been since Elizabeth, and as they were to remain till the middle of the nineteenth century. The influence of the Caroline movement had not had time to wane, and yet this record proves that the state of the Church was exactly that of the report of the ecclesiastical commissioners of 1835. The inference seems to be that the high church tendency, in Lincolnshire at any rate, had had little force. A local scholar will be able to draw many conclusions as to the social position of the clergy from this *Speculum*. Canon Cole mentions a few names of note. He might have added that Zachary Gray, LL.B., rector of Hemingby, is almost certainly the editor of *Hudibras*. Mr. Cole has all that general knowledge which the learned antiquary sometimes lacks, and therefore he has been able to turn out a sound piece of work; but a glance at Hodgson would have shown him that Queen Anne's Bounty did not cease to use the lot in 1716. The book ends with interesting returns of 1718, which show Bishop Gibson's chancellor frequently accepting commutations of penance. We may assume that the archdeacons, in the years when their visitation was not suspended, were equally medieval in welcoming this source of profit.

J.

The sumptuous edition of the *Correspondance de Montesquieu*, published by M. François Gebelin, with the collaboration of M. André Morize (Paris: Champion, 1914), will probably be final. The editors have gathered together many letters previously unpublished. We have thus a collection very much larger than that issued by the Abbé Guasco, under the title of *Lettres familières*. The whole gives an impression of social life in the mid-eighteenth century which is of high interest. Little light is thrown upon politics. The mutual dislike of Montesquieu and Voltaire becomes obvious, though not its causes. The president sharpens his rapier on the vanity of the 'great' man. Another and even more interesting topic is that of the condemnation of *L'Esprit des Lois* by the Congregation of the Index. Friends did their best for the book, but the authorship of the *Lettres Persanes* was suspected, and though it is not easy to see what Rome should object to in the *Esprit des Lois*, it was not hard to show that it was novel. Some interesting correspondence is exchanged between Montesquieu and Charles Yorke. The most charming thing in the two volumes is the letter to the president from his wife. There is an interesting letter from Warburton, a man of greater merit than is commonly supposed, and one or two from Hume.

J. N. F.

Nearly the whole of Mr. Francis Abell's *Prisoners of War in Britain, 1756-1815* (London: Milford, 1914), relates to the period of the revolutionary and Napoleonic wars. It is to be regretted that he has not paid more attention to the treatment of American prisoners during the war of independence: his notices of this question are extremely slight. The complaints on the American side were many and bitter and the British alleged similar grievances. However, there is no lack of interesting matter in his book. He describes the miserable lot of those confined on board the hulks and has collected from various sources details of the life in the war-prisons ashore, stories of escapes, and experiences of officers on parole. Very readable accounts are given of the adventures of Tom Souville, a privateers-man of Calais, who three times made good his escape from prison-ships to France; Louis Garneray, a marine painter, who records in his book, *Mes Pontons*, the miseries he endured on the hulks, his escape when on parole, and his recapture on a smuggling ship in the Channel; Louis Vanhille, and other bold and crafty men who eagerly risked their lives to obtain their freedom. Mr. Abell considers that, apart from the hardships of life on the overcrowded hulks, the treatment of prisoners of war in Britain was much the same as our men received in France. He points out that the governments of both nations made decent rules for the treatment of captives, that the grievances of our prisoners were due in some cases to the character of the officer in command and in others to the dishonesty of contractors for the supply of the prisons, and that the most utterly destitute among them were generally men of an abandoned sort who gambled away their clothes, boots, and rations. W. H.

The first volume of Captain John Knox's *Historical Journal of the Campaigns in British North America for the Years 1757-60* was dealt with in the last number of this Review (*ante*, p. 151), so that it is only necessary to note the publication of the second volume (Toronto: The Champlain Society, 1914). The volume covers the operations of the war, from the failure of the attempt to storm the heights of Montmorenci to the capitulation of Montreal in September 1760. The notes by the editor, Dr. A. G. Doughty, are of extreme value. Especially interesting are two letters of Murray, the one written to his brother, justifying his conduct in taking the initiative at the battle of St. Foy, the other to Amherst, delicately insinuating that, unless he makes haste, he may find French Canada a thing of the past. A final volume will contain an appendix of illustrative matter. H. E. E.

Professor George M. Wrong has published a work on *The Fall of Canada* (Oxford: Clarendon Press, 1914). For most Englishmen the capture of Quebec marks the end instead of the beginning of the conquest of Canada, and Mr. Wrong will not have written in vain if he only succeeds in showing us that the fate of a great colony was not determined by a single battle. Wisely realizing that the story of the fall of Quebec has been too often told to bear repetition, Mr. Wrong has devoted himself to the task of recounting the events which followed upon the capture of that city, and he can be congratulated upon his clear and concise account of a much neglected and by no means unimportant episode in

the Seven Years' War. Glorious and momentous as was Wolfe's achievement, it was by no means final, for Quebec, having been won, had to be kept against a French army which, though defeated, was not destroyed. Nor was the issue of the struggle so certain as is sometimes too lightly assumed, and readers of Mr. Wrong's pages will have no excuse for thinking that all was finished on the Heights of Abraham. It is a grim story which he has to tell, a story of patient suffering, unrelieved by spectacular heroism, of cruelty, the inevitable accompaniment of war, however mercifully it be waged, and of a gallant attempt to recover lost ground and to drive the invader from the territory into which he had intruded. It is a story which is worth both the telling and the reading, and, as told by Mr. Wrong, agreeably free from the technicalities which are apt to mar a military narrative. The work is not, however, without a few trifling inaccuracies. Lady Hester was the wife, and not the sister, of William Pitt; and George III's description of the war as 'bloody and expensive', was addressed to his privy council, and not to his parliament. These errors, however, cannot be accounted serious, and Mr. Wrong has achieved the success of telling a tangled and involved tale with really remarkable lucidity.

D. A. W.

Mr. S. C. Hill's life of *Yusuf Ali the Rebel Commandant* (London, Longmans, 1914), whom Sir John Malcolm considered 'the bravest and ablest of all the native soldiers that ever served the English in India', is an admirable piece of work. It gives a clear, and true, and full picture of a man about whom all that has hitherto been known has stimulated but not satisfied curiosity. It is based upon a thorough study of the documents at Madras and in the India Office, until now not fully investigated. It supplies a setting for the main subject which makes our knowledge of Southern India in the earlier stages of the British conquest much more complete. The reasons which induced Yusuf Ali, after being the faithful ally and servant of the British, to rebel against them, have hardly been appreciated till now. The cause was the Nawab of Arcot, Muhammad Ali, whom Haidar rightly called 'the most treacherous of men'; and the rebellion was really against him, not against the English, who might, perhaps, if they had had more knowledge, have saved Yusuf Ali from the fate which befell him. Orme and Stringer Lawrence have told us a good deal about him, but the patient industry of Mr. Hill has added much more. The history of Madura that he tells by the way is also full of interest. A great deal of light is thrown also upon the subject of the relation of Sepoys to their English officers, and the causes which led them to disobey or revolt. Mr. Hill supplements Sir John Kaye in a most interesting manner. It may be noted that the reference to the *Quarterly Review* for January 1853 is incorrect; Gleig's article was reprinted from the *Edinburgh*.

W. H. H.

Professor H. P. Johnston has rendered more complete and correct his *Nathan Hale, 1776, Biography and Memorials* (New Haven, Connecticut: Yale University Press, 1914). Hale was a young Connecticut schoolmaster who, enlisting in the American army, volunteered to act as a spy, and met

a spy's death at the age of 21 in September 1776. The glamour which has surrounded the fate of André perhaps encouraged the cult in America of a rival blameless spy. Mr. Johnston has done all that piety and industry could do to make his story complete; but it is curious that one who is so thorough in his investigations should confuse the names of Sir William Howe and his brother the Admiral. The 'Mr. Livins' mentioned as testifying to Samuel Hale's loyalty was doubtless Livius, the chief justice of Canada, by whose instrumentality Carleton was prevented from forming an inner cabinet from his executive council.

H. E. E.

The *Mémoires du Vice-Amiral Baron Grivel* (Paris: Plon, 1914), to which M. Lacour-Gayet has prefixed an introduction, add to the somewhat scanty number of French naval Mémoires of the period of the Great War. The writer has a lively narrative style, at times not unlike that of Marbot, though more modest and convincing. He describes his youthful impressions in the Limousin, at the time of 'the great fear', when thousands of brigands were said to be marching from Paris. He entered the navy and shared in the preparations at Boulogne in 1804, when he approved the opinion of most sailors, that half of the flotilla would be lost before the English coast was reached. Appointed to command a *canonnière* at Lannion, he changed the arrangements of the guns before he deemed it seaworthy, and sailed from Havre to Boulogne with a small squadron of such vessels; four of them failed to make the harbour (as often happened), an incident which brought a reprimand from Napoleon. When the officers represented that they had no pilots, he retorted, 'Bah! les pilotes! Il faut le devenir soi-même'. After Trafalgar, Grivel, then in the marines of the guard, saw service on land in Prussia and Spain. He was in Dupont's force which capitulated at Baylen, and sharply criticizes that commander. But Grivel was with the rearguard at the bridge over the Rumber, and knew little or nothing of the fighting which took place before the marines were called up. He speaks as though one more attack might have brushed the Spaniards aside. All the evidence shows this to be impossible. Grivel rightly blames the delays of Dupont's march and the clogging effect of the huge convoy of plunder, but he says nothing about the terrible losses of the marines or the attack of La Peña's Spanish division on the rear; he also antedates the arrival of Vedel's French division, which, if its leader had acted with dispatch, might conceivably have saved the situation. He has few words of censure for Vedel, whose faults were as great as those of Dupont. In fact his recital is at this point incomplete and rhetorical. On the other hand, the escapes from massacre at Rota and elsewhere and the time of captivity at Cadiz are well described. He preferred the chances of massacre at Cadiz to *la cruauté froide et systématique des Anglais*, perhaps because he and a boatload escaped from the Spaniards. He then saw service at the siege of Cadiz, was in Paris at the time of Malet's plot, and shared in the campaigns of 1813-14. In 1815, at Marseilles and Toulon, he saw the collapse of Napoleon's cause. The later episodes are described perfunctorily, and often on hearsay.

J. H. RE.

So far as the question of Lord Cochrane's participation in the fraud on the Stock Exchange in 1814 is concerned, Lord Ellenborough's *The Guilt of Lord Cochrane, a Criticism* (London: Smith, Elder & Co., 1914), adds nothing of importance to the complete and convincing treatment of it by the late Mr. Atlay in his *Trial of Lord Cochrane before Lord Ellenborough*, reviewed in our pages (xiii. 385) in 1898. What he has done is to point out clearly and briefly the various points established by Atlay, the chief of which are that the so-called *Autobiography of a Seaman* was written by a secretary who was 'careless of facts and dates', and that its statements cannot be accepted without corroboration; that Lord Chief Justice Ellenborough, before whom Cochrane was tried, showed no unfair bias against him; and that the evidence adduced at the trial justifies the verdict of guilty pronounced by the jury. Ellenborough's conduct of the trial, though vindicated in 1816 by the unanimous refusal of the house of commons to consider the charges of partiality brought against him by Cochrane, has so often been impugned that his grandson has done well to defend his memory by presenting the whole case in a form likely to command wider attention than Atlay's masterly exposition of it, which was undertaken at Lord Ellenborough's instance and partly based on papers he had prepared. Lord Ellenborough has further criticized the misrepresentations of the 'Autobiography' with reference to the operations at Aix Roads, where he thinks that Gambier might probably have done better than he did, and has given an account of Cochrane's services and quarrels as commander of the Chilian, Brazilian, and Greek fleets.

W. H.

A book has appeared on *The Whig Party in the South*, by Dr. Arthur Charles Cole (Washington: American Historical Association, 1913). The whig party in the United States claimed to be a national party and to represent the conservative feeling of the country. During Jackson's presidency the anti-tariff and strict construction groups in the south were drawn into its ranks. They might claim to be the guardians of state rights and hence conservatives, though they came over in time to the tariff policy of their party. The democrats in the south drew largely on the small farmer of the back country, and on such foreign immigrants as came into the border states and towns of the south, but the whig party attracted to itself the planter aristocracy. The 'whig party in the south', writes Mr. Cole, 'while perhaps not embracing more than a substantial majority of all the slaveholders, included the possessors of from two-thirds to three-fourths of the slave property of the south', and he has illustrated its distribution in relation to the negro population in several very interesting maps. This is an important fact, but in itself would not give the party much numerical strength, for large slave-owners in the south were very few. It also endangered the stability of the party. As time went on, the sentiment of the northern whigs became hostile to slavery. The annexation of Texas and the Mexican war engendered mutual suspicion between the two wings of the party. Its greatest leader, Clay, fertile in compromise, national in outlook, did his best to prevent the rise of sectional feeling. But as the slavery issue forced its way into American politics, so the whig party began to break in two. In 1850-1

the southern whigs fought the secessionists of that time, but soon they were looking to the democrats. By 1853 the whig party was demoralized, and the Kansas Nebraska bill dealt it a death-blow. The southern whigs were isolated, and many soon drifted through the American or Know Nothing party into the ranks of the democrats, and were absorbed ultimately in the secession movement which they had successfully fought a decade before. Mr. Cole's work is based on very extensive and evidently laborious research, and he realizes his intention of making a treatment of the subject 'objective and scientific'. He gives very full references, a comprehensive bibliography, and some original maps. Detached and discerning in its spirit, his book is a most valuable study of a little-known subject.

E. A. B.

Reverdy Johnson is not one of those personalities of American history whose fame lives on this side of the Atlantic. He was a Maryland lawyer, who, after a successful career at the bar, was elected to the United States Senate in 1845, when he was nearly fifty, and thus came into American political life at the moment when the great issue of slavery was dividing the country. He was one of those southerners who, though opposed to slavery, thought the north should leave the settlement of the matter to the south, but, when the division actually came, stood by the union, and gave to Lincoln cordial and valuable support. Though he lived through the stormy period of American politics, his name is best remembered as the leader of the bar of the supreme court, and with us, as American minister in the difficult years 1865-9, when a peaceful solution of the Alabama question was being sought. Mr. Bernard C. Steiner's *Life of Reverdy Johnson* (Baltimore: Norman Remington, 1914) gives a conscientious record of his career. It might have been better had it been shorter, shown more sense of perspective, and brought out more clearly his opinions on the great issues of his day. We should much have preferred a few specimens of Johnson's oratory in extenso to a précis of all his speeches. There is one sentence of Johnson's we may quote. It was spoken in 1848, and, if it is true, it is very interesting: 'There would not be found, in the whole southern bar, a lawyer who would not give, gratuitously, his services to a black man to free him from slavery, while there was a reasonable ground for the application.'

E. A. B.

A History of England and Greater Britain by Professor A. L. Cross (New York: Macmillan, 1914) does not require detailed notice in this review. It is a lengthy compilation, written in a clear and careful manner, on the usual text-book model. The lists of books and articles recommended for further reading are more ambitious than those in any similar work with which we are acquainted. Professor Cross has tried with fair, but by no means complete, success to bring them up to date. They contain a few unfortunate slips, e.g. Sandford for Sanford, the author of *Studies and Illustrations of the Great Rebellion*. Teachers should find Mr. Cross's work a useful and convenient handbook.

K.

A volume of reprinted papers which Mrs. C. C. Stopes has collected under the title of *Shakespeare's Environment* (London: Bell, 1914),

includes articles on 'Sixteenth-Century Locks and Weirs on the Thames', 'Early Piccadilly', 'Literary Expenses in St. Margaret's, Westminster, 1530-1610' (from the churchwardens' accounts), 'Old Workings at Tintern Abbey', a roll of Coventry bailiffs or mayors (which contains historical notices from 1403-4 to 1625-6), and 'Sixteenth Century Women Students'. Mrs. Stopes has added notes and appendixes, and her fruitful industry in unearthing documentary materials is shown alike in the papers we have mentioned and in the more numerous articles which lie further away from the province of this Review. L.

Miss Irene Parker's small book on *Dissenting Academies in England; their Rise and Progress and their Place among the Educational Systems of the Country* (Cambridge: University Press, 1914) is divided into three parts, a general introduction showing the development of realism in England, the rise and progress of the dissenting academies, and the place of the dissenting academies among the educational systems in England. The term 'realism' is very ambiguous. It is used to represent the seventeenth-century educational way of 'things, not words'. It was surely not necessary to begin an account of dissenting academies with an introduction starting from A. D. 631. The account of the rise and progress of the dissenting academies is clear, and brings together the facts about the academies, especially of Charles Morton (the teacher of Defoe), Richard Frankland at Rathmell, Jennings at Kibworth, and Doddridge at Northampton; Samuel Jones at Gloucester (where Archbishop Secker was a pupil), afterwards removed to Tewkesbury (where Joseph Butler was a student), and the academy which exercised the greatest literary influence, Warrington (1757-83). Altogether, Miss Parker names sixty academies, of various degrees of excellence. The significance of these institutions is specially noticeable because of the low state of education in the eighteenth century both in the universities and in the grammar schools. Miss Parker gives interesting lists of the courses of study and methods of teaching in the more important academies. Her book is a useful addition to eighteenth-century educational history. F. W.

When a man knows all that can be known about the history of one particular college, he is able to throw a peculiarly interesting light on the history of its university as a whole. In the papers and addresses on *Early Collegiate Life*, which Dr. John Venn has brought together (Cambridge: Heffer, 1913), he looks at Cambridge, it need not be said, from the point of view of Gonville and Caius College. He deals with its local affinities, its social and intellectual habits, Gonville Hall as a nursery of monks, Dr. Caius, undergraduates' letters of the seventeenth and eighteenth centuries, and many other matters. And the author is throughout as entertaining as he is learned. M.

A History of Leagram, by its owner, Mr. John Weld who died in 1888, has been published by the Chetham Society (1913). In some ways it belies its name; it omits many things we should have expected and is vague about others. But in certain respects, in its intimacy of knowledge and sense

of what features of rural life are worth recording, it may rank with Canon Atkinson's *Forty Years in a Rural Parish*. Leagram formed part of the forest of Bowland on the borders of Lancashire and Yorkshire, and Mr. Weld records that the last of the red deer was shot in 1817. It belonged to the earldom of Lancaster, was given by Queen Elizabeth to Leicester, with licence to alienate, in 1563, and sold within a month to the ancestor of its present owners. Mr. Weld has given an admirable account of the agriculture, architecture, customs, and superstitions of the remotest corner of Lancashire in the eighteenth and early nineteenth centuries, and sometimes he throws light upon national matters. In 1808 Mr. Weld of Lulworth and his numerous sons, being Roman Catholics, were put into the commission of the peace for Dorset, and no one seems to have protested.

N.

Mr. J. Brownbill has calendared the *Moore MSS.* now belonging in part to the Liverpool Public Library and in part to Liverpool University (Lancashire and Cheshire Record Society, 1913). These documents have been in public possession since 1901, and this is the third, and it must be hoped, the final numeration of them. Those which are of most public interest have been noticed in the tenth report of the Historical MSS. Commission; but there is evidently a good deal still that is of more than local concern, while for Lancashire and its neighbourhood, and especially for Liverpool, there is a mine that will doubtless be worked hereafter to much profit in these documents.

O.

The Cistercian abbey of Vale Royal in Cheshire was not a house of much interest, but its *Ledger Book*, edited by Mr. John Brownbill (Lancashire and Cheshire Record Society, 1914), was worth printing. This is done in a translation only, and the introduction is very brief. But the volume, consisting chiefly of pleas and evidences, gives a good view of the interests and behaviour of an average religious house in the first half of the fourteenth century, and also conveys much information as to property in Cheshire and Lancashire. Two-thirds of the income of the house, founded by Edward I and augmented by Edward III, was from tithe, a considerable proportion of which was settled by Henry VIII on Christ Church. There are several appendixes; one contains the gifts furnished by gentlemen of Cheshire, neighbouring monasteries, and the tenantry of Vale Royal in 1330 for the annual celebration of the house, which was held on the feast of the Assumption. There were three oxen, eight calves, fifty-six sheep, 209 fowls, and an abundance of other eatables and drinkables, including two salmon and four porpoises. The accounts of the building, which cost Edward I £2,000, are preserved. While the labourers were local men or Welsh, it is noteworthy from what distances the artisans had come. Among their surnames are London, Tonbridge, Leckhampton, Glasbury, and Caerwent.

P.

Though they consist entirely of reprinted matter, *The Collected Papers of John Westlake on Public International Law*, which have been edited by Dr. Oppenheim, his successor in the Whewell chair at Cambridge

(Cambridge: University Press, 1914), claim mention here out of respect to the eminence of the writer. The volume includes a new edition of Westlake's *Chapters on International Law*, published in 1894, and a collection of short papers and letters written between 1856 and 1913, the year of his death. The treatment is of course that of a jurist writing for jurists, but many of the papers, for instance those relating to questions which arose during the American civil war and the dispute about the Venezuelan boundary, contain views and considerations which must be taken into account by historians.

Q.

The *Guide to the Reports on Collections of Manuscripts of Private Families, Corporations, and Institutions in Great Britain and Ireland issued by the Royal Commissioners for Historical Manuscripts*, part i, topographical (London: H. M. Stationery Office, 1914), is a convenient and useful compilation. It contains a full table of contents of the 140 or more volumes of reports and an index of places. This latter does not profess to be complete; but then, we must remember, neither are the reports complete. It is better to be provided with the more important references than to be given half a column of unrelieved numerals, according to the inept and exasperating practice of the calendars of chancery rolls. We may add that the *Guide*, for which Mr. R. A. Roberts is responsible, is published at so cheap a price that all who possess some volumes of the reports will be able to buy it.

R.

In the Quinquennial Report, 1909-14, of the Historical Society of Victoria, printed in the *Victorian Historical Magazine*, September 1914, it is maintained

that definite steps should be taken to urge upon the Government the desirableness of establishing a Record Office, where early official documents might be consulted by historical students under proper supervision. . . . The handing over of the duplicates of early dispatches from the Secretary of State for the Colonies to the custody of the Library Trustees, as has been done in South and Western Australia, would form a nucleus for the official collection, and the addition to these of early departmental correspondence would place much valuable material within reach of those engaged in research into the early history of the State.

H. E. E.

THE ENGLISH HISTORICAL REVIEW

NO. CXIX.—JULY 1915 *

The House of Lords and the Model Parliament

WHEN tracing to its origin in a *dictum* of Coke.¹ the famous doctrine of ennobled blood, I pointed out that the creative effect of a writ of summons followed by a sitting—and, therefore, the right to claim a barony as so created—is a doctrine which rests upon that dictum, although decisions of the house of lords have long made it settled law. But I urged that what had not been decided was

the limit to which the doctrine is retrospective, a question which involves determining the date of the first true Parliament. It is easy to say that a summons to, and a sitting in Parliament create an hereditary barony, but what is meant by 'Parliament'? Is it a body which is so styled? Or a body which discharges legislative functions? Or a body in which the three estates are all duly represented? This is a question which the House of Lords has not definitely settled.²

This, however, was precisely the question which was raised, at my suggestion, on behalf of the Crown, on the recent claim (1914) to the barony of St. John, and which had, at last, to be decided. For the only 'sitting' by a St. John which the claimant was able to produce was on the morrow of Trinity Sunday, 1290, in a gathering described on the rolls of parliament both as 'Parliamentum' and as 'plenum Parliamentum'.³ This gathering was a feudal body, assembled for the purpose of a feudal aid, and the estate of the commons does not appear to have

¹ 1st Inst. 16 b.

² *Peerage and Pedigree* (1910), i. 224, 247-8 *et seq.* The point, I find, had not escaped the vigilant eye of Maitland, who wrote, in his lectures on *The Constitutional History of England*, that 'The question still seems open whether to prove the summons and sitting of one's ancestor at any time, however remote, is sufficient' (p. 84 *note*).

³ *Rot. Parl.* i. 25.

been represented on that occasion. The validity of this 'parliament' (for *peerage purposes*) was the sole question at issue, and the decision by a majority of the committee for privileges (8 July 1914) that, for these purposes, it was not a valid parliament is probably the most important which has been given for many years, alike for the constitutional historian and for the student of peerage law. The only one approaching it in importance was that, in 1906, on the claim to the earldom of Norfolk (created 1312), which brought history and peerage law into violent conflict.

When Stubbs wrote his *Constitutional History*, he cautiously observed, of the writs of summons issued by Edward I, that

It may be not unreasonably held that the practice of the reign owes its legal importance to the fact that it was used by the later lawyers as a period of limitation and not to any conscious finality in Edward's policy. It is convenient to adopt the year 1295 as the era from which the baron, whose ancestor has been once summoned and has sat in parliament, can claim to be so summoned.⁴

The footnote appended to this statement runs thus :

Courthope, *Hist. Peerage*, p. xli, but cf. Hallam, M. A. III. 124, 125. . . . The importance of 1264 and 1295 arises from the fact that there are no earlier or intermediate writs of summons to a proper parliament extant; if, as is by no means impossible, earlier writs addressed to the ancestors of existing families should be discovered, it might become a critical question how far the rule could be regarded as binding.

When this statement was cited in recent peerage cases, efforts were made to trace the authorities on which it rested, but without success. After careful consideration I have arrived at the conclusion that the first reference is wrong, and that what Stubbs had in his mind was not Courthope's *Historic Peerage*, but the earlier work on which it was based, namely, the *Synopsis of the Peerage* (1825) of Sir Harris Nicolas. For that writer deals on p. xli with 'Baronies by Writ', and states in his opening paragraph that 'perhaps the earliest positive Writ of Summons to Parliament after the 49 of Henry the Third is that tested on the 24 June, 23 Edw. I. 1295'. Courthope, on the contrary, is concerned, on the page cited, with a different subject. Moreover, though he deals on p. xxv with 'Baronies by Writ', he does not make a statement similar to that made by Nicolas. It is,

⁴ Ed. 1875, ii. 183-4. Maitland referred to this passage when he wrote, in the above note, 'Dr. Stubbs would go back as far as 1295, or even further, should earlier writs be discovered.' Professor Medley similarly refers to this as Stubbs's own view: 'Dr. Stubbs regards the year 1295—the date of the Model Parliament—as the point of time from which the regularity of the baronial summons is held to involve the creation of an hereditary dignity' (*English Const. Hist.*, 4th ed. revised, 1907, p. 143).

therefore, to Harris Nicolas, a well-known peerage counsel, that this statement must be traced. With regard to the other reference, namely, that to Hallam, it seems to be correct, for in the edition of 1860, which I possess, Hallam there deals with the subject of 'Barons called by Writ'. But, so far from making any statement as to the earliest writs which create a barony, Hallam there disputes the now accepted doctrine that these early writs did create a barony. His statement, therefore, has no bearing on the date of the earliest valid writ as given by Stubbs.

But though, as we have seen, Stubbs, in his text, definitely gave that date as 1295, in his footnote he treated the writs of 1264 (to Simon de Montfort's parliament) as 'writs of summons to a proper parliament'. He asserted, however, quite definitely, that there were no valid 'intermediate writs of summons' between these dates.⁵ I quote from Stubbs thus exactly because in the arguments which, in recent cases, arose on this subject, considerable importance was attached to the views of the great historian. As a matter of fact, however, he was not himself expressing any view upon the subject; nor, as an historian, could he do so. No historian would dream of naming the year in which a writ of summons, if followed by a sitting, first created an hereditary barony, descendible to the heirs general of the person who received the summons. For the lawyer, however a dividing line is an obvious necessity; he cannot deal with a gradual development, but must assume that at a certain date the writ changed, not in form, but in operative effect. Professor Tout, in his recent work on *The Place of the Reign of Edward II in English History* (1914), has expressed himself strongly on this point. He denounces

that unhistorical way of looking at history to which ordinary practical lawyers have at all ages been exceptionally prone. They look at the past as a plane surface which has never been altered. They have imperfect appreciation of the idea of development. . . . Our modern peerage law . . . is full of these legal perversions, notably in its ridiculous doctrine of 'calling out of abeyance' thirteenth-century baronies which were in no wise hereditary dignities in the modern sense. It is almost as absurd to expect formal legislation by the three estates in 1311 as it is to imagine that Edward I created an hereditary house of lords in 1295.

It is, however, a singular fact that although, before the close of the seventeenth century, it had become settled law that a writ followed by a sitting had the above stated effect, it has never yet been formally determined at what date the writ of

⁵ Sir T. D. Hardy had given evidence in the Hastings case (1841) that there were not 'any writs of summons to parliament' between these dates.

summons first assumed this character. Or, to put it another way, it was till recently quite uncertain, if indeed it is not still, what was held by the house of lords to be the first valid parliament, the writs to which, because of its validity, created, if followed by a sitting, an hereditary barony. With the advance in historical learning it has become more and more difficult to determine on what the validity of a parliament did, in fact, depend. The word 'parliament', on which Lord Cottenham relied as decisive in the Hastings case (1841)—where this same 'parliament' of 1290 was in question—might mean, as Maitland has shown, something very different from parliament as we conceive it. As M. Pasquet has recently observed, 'La diversité des assemblées qui sont officiellement désignées sous le nom de Parlement est extraordinaire'.⁶ Again, the test of legislative power, of which much was heard in the Fauconberg case (1903), fails when applied to an age in which, as we now know, legislation was effected by ordinance as well as by statute.⁷ The truth is that what constituted a valid parliament 'for peerage purposes' is a question outside the historian's scope and province; it concerns only the house of lords, and must be decided, in the last resort, by the opinion of the house.

But that opinion, unfortunately, remained in hopeless doubt. The house in 1805 reaffirmed for the barony of (De) Ros the validity of the writs of 1264, on which the high precedence of that barony and of Le Despencer rested.⁸ It also recognized, on that occasion, the extremely doubtful writs of (8 June) 1294.⁹ But when, in 1841, the 'sitting' of John de Hastings in the parliament of 1290 was pronounced to be valid, and to imply the issue of a writ, a new date was introduced. Lord Cottenham

⁶ *Essai sur les Origines de la Chambre des Communes* (1914), p. 149.

⁷ Stubbs, *Const. Hist.* (1875), ii. 239-40, 264, 407; Maitland, *The Constitutional History of England*, pp. 186-7; Medley, *op. cit.*, p. 252.

⁸ Historians are likely to be much puzzled by this passage in the official report of the latest peerage case (1914), namely that of the barony of St. John, which has just been issued as I write:—

(*Sir Robert Finlay*). . . In 1249, there was a parliament with the three estates, and there are two peerages which date from that year, De Ros and Le Despencer, and which are recognized as dating from that year.

(*Lord Parmoor*). And 1249 is also recognized as the earlier date when you have the modern model.

(*Sir Robert Finlay*). Yes, my lord, what I was going to say is this: Taking it as established that peerages may date from 1249, subsequent variations from the model of 1249 would not impair the validity of a sitting in parliament any more than variations from the model of 1295 in subsequent parliaments would impair the effect of a sitting there (p. 131).

The explanation of this passage is that the above mysterious parliament of '1249' was really that of 49 Hen. III, for which the writs were issued in December 1264.

⁹ See, for these, Nicolas, *Synopsis*, p. 141; Courthope, pp. 117-18; *Complete Peerage* (ed. Gibbs), i. xxii-xxiii (where Mr. Watson's criticism is mistaken); *Lords' Reports on the Dignity of a Peer*, i, app. i. 56.

appears to have recognized the writ of 1264, issued to his father, as valid, but did not allow (whatever the reason)¹⁰ that date to the barony's creation, as had been done in the case of (De) Ros. The 'authoritative' Burke dates the barony in one place '1290' and in another '1295', and the latter date, one knows not why, is adopted by Sir Francis Palmer.¹¹ The next and a most important landmark was the Mowbray and Segrave case (1877). The writs of 1264 were on that occasion definitely rejected as having been invalidated by the *Dictum de Kenilworth*. But infinitely more surprising was the acceptance as valid, without any argument and without objection from the Crown, of writs which even the petitioner had not originally vouched, which no writer on the subject had even so much as mentioned, and which Stubbs had, just before, we have shown, explicitly ignored.

The writs which thus supplanted those of 1264 as the earliest recognized as valid in the opinion of the house were issued in 1283 to those tenants in chief whom the king had previously summoned to join him in a punitive expedition against Llewelyn and his brother David and the Welsh 'rebels' generally.¹² It had always been an axiom since the days of Hale that writs of summons to parliament were recorded on the dorse of the Close Rolls, and must be proved thence; but the two summonses above are found, not on the Close Roll, but on what is known as the Welsh Roll. It is true that in the latest instance, that of the barony of St. John, in which the second of these summonses was invoked as a parliamentary writ, it was alleged to be taken from the 'Close Roll' of 11 Edward I in the petitioner's case, signed by Mr. Fox-Davies, but this is only an example of that extraordinary carelessness which those who represent the Crown have occasionally had to check in recent cases. It is laid down by Sir Francis Palmer that the printed case lodged by the claimant 'must fully state the facts as to the creation of the dignity . . . and must be in accord with his petition to the Crown'.¹³ Nevertheless, the petition of the St. John claimant to the Crown, which bore the name of Mr. Farnham Burke, Norroy King of Arms, began by alleging 'that your Petitioner's ancestor . . . was summoned to Parliament as a Peer of the Realm, 5 Edward I'. Those who are fairly conversant with peerage law and history and who are not awed by the name of a king of arms, must

¹⁰ The reason given seems to have been somewhat overlooked. It was that a petitioner 'is bound to show the concurrence of these two circumstances, of a summons and a sitting' in the ancestor from whom 'he derives his title'.

¹¹ *Peerage Law in England*, p. 176.

¹² So far as I know, I am the first to point out the identity of the names in these two lists of writs (*Reports on the Dignity of a Peer*, i, app. i. 47-50).

¹³ *Op. cit.* p. 232.

know at least that no such summons of the year 1276-7 has even been alleged to exist. As a matter of fact, this summons reappears in the claimant's case, not, of course, as a summons to parliament, but as a 'Summons *cum equis et armis*, to Worcester against Llewelyn ap Griffith, Prince of Wales'.

I do not propose to recite afresh the arguments against the validity of the 'parliament' summoned in 1283, and known to historians as that of Shrewsbury or Acton Burnel. For I have already set them forth in *Peerage and Pedigree*, and have there shown how keenly the whole question was discussed, when, as counsel for the claimants in the Fauconberg case (1903), the present prime minister upheld the *status* of this assembly as a valid parliament. In 1892 the late Lord (then Sir Horace) Davey had similarly argued for its validity as counsel for the Wahull claimant. In both these cases, if I may venture to quote from *Peerage and Pedigree*, the committee's difficulty was the same.

The truth is, if one may speak plainly, that their lordships were hampered throughout by the unfortunate but undoubted acceptance of these writs as valid, in 1877, by Lord Cairns, without having had the point argued. Their keen intellects were engaged in desperate attempts to explain away that acceptance, in spite of its emphatic language.

In accordance with a well-known legal tradition, they were hunting for that elusive formula which should reconcile the *dictum* of a great lawyer with the judgement that overthrows it. In the St. John case, Lord Atkinson, who attached special importance to the *personnel* of committees, insisted that, in addition to Lord Cairns, 'Lord Blackburn, Lord Redesdale and Lord Cottenham treated a writ to attend that Parliament as a valid writ',¹⁴ though the weight of Lord Cottenham's authority is somewhat impaired in this case by the fact that his lordship had died a quarter of a century before.

I have dealt thus fully with the *status* of this parliament because the question arose anew in five of the ten recent cases in which baronies were claimed. The first was that of the barony of Furnival (1912), which was claimed as a creation of 1283. Once again was cited that extraordinary writ in which the king begins by exclaiming :

Hardly could the tongue of man tell one by one of all the treacheries and knaveries with which the Welsh race, like foxes, have attacked our ancestors, ourselves, and our kingdom, from the earliest time that the memory of man can recall, what massacres they have committed of magnates, nobles, and others, as well English as others, of young men and old, of women and even children, &c.

¹⁴ *Minutes*, p. 38.

Their lordships, however, by their resolution, definitely dated the barony as having been created only in 1295. This involved a considered rejection of the writ of 1283. Nevertheless, on the joint claim to the baronies of 'Dynaunt', Fitzwaryn, and Martin (1914), it was boldly alleged that 'Lord Dynaunt', 'Lord Fitzwaryn', and 'Lord Martin' 'were all as Peers summoned by Writ in 1283 to attend the King at Shrewsbury'. Counsel intimated that, in the case of 'Dynaunt', the validity of the writ had a vital bearing on the claim, and thereupon it was separately argued and their lordships pronounced against it. They also rejected it in the Martin case, and thus disposed of one at least of the unfortunate decisions in the Mowbray and Segrave case. The writ, indeed, was invoked again in the latest claim, that of St. John, but as this failed on another point the question was not decided anew, nor is it likely to be raised again after the length at which it has been argued on all the occasions I have mentioned.

It was on the latest of these claims, the most important, probably, that has been heard for many years, that the final step was taken. The case of the barony of St. John turned wholly on the alleged proof of sitting. As in the Hastings case, the only sitting alleged was in a 'parliament' of 1290, but Lord Atkinson justly urged that the resolution in the Hastings case 'is a clear distinct and positive decision' that a sitting in this 'parliament' was valid for peerage purposes.¹⁵ Indeed, had it not been, there could be no Lord Hastings now in the house of lords. But it is well recognized that a committee for privileges is not actually bound by the decision of an earlier committee; it is not bound, says Sir Francis Palmer, 'to perpetuate bad law'. The leading case in point is that of the earldom of Wiltes,

¹⁵ Lord Atkinson's acceptance of the parliament as valid and, therefore, of the claim was, he explained (*Minutes*, pp. 157, 187), largely based on the assertion of claimant's counsel that '*plenum parlamentum*' was 'a term of art', which was only applied to a true and valid parliament. Mr. Cozens-Hardy developed an elaborate argument (*ibid.* pp. 181-91) in proof of this proposition. The obvious answer, given for the Crown and by Lord Parmoor, is that there could be no such recognized distinction between *parlamentum* and *plenum parlamentum*, because these expressions, in the St. John case, 'are used in the same document and applied to the same assembly' (*ibid.* p. 218). Lord Atkinson, however, observed in his 'judgement' (*ibid.* p. 209): 'I think Mr. Cozens-Hardy has shown conclusively that from 1275 downwards, while many instances can be found where the expression *Plenum Parliamentum* was used to describe a true parliament, where representatives of the commons attended, in no instance, save possibly in that of the so-called parliament at Shrewsbury of 1283, were these words applied to an assembly other than one purporting to be a legislative representative assembly with full powers.' This is one of the strange passages in the 'judgement' (see below). For Mr. Cozens-Hardy, though invited by his lordship to deal with the case of the 'parliament' of 1283 (p. 157), passed it over in his argument (p. 183), and, as a matter of fact, the words *plenum parlamentum* were not, so far as I can find, anywhere applied to that assembly.

the claim to which was rejected in spite of the previous decision in favour of the claimant to the Devon earldom.¹⁶ Sir Francis adds, as a second precedent, that

the decision of the House in the *Beaumont Case*, 1794-5, as to the destruction of a peerage in abeyance, where one of the co-heirs was attainted, in no way prevented the House of Lords in the subsequent cases of the *Camoy's Peerage*, 1838, and the *Braye Peerage* from overruling the former decision and deciding inconsistently with it.

But this is a strange misconception. There was no such decision as alleged on the claim to the barony of Beaumont (1795), nor was the actual decision of the house in any way overruled by, or inconsistent with, those in the Camoys and Braye cases.

The committee, however, had a clear right to reverse the ruling in the Hastings case on the point that here arose. Still it was, no doubt, a serious step to take, the more so as this 'parliament' had been incidentally accepted by Lord Cairns in the Mowbray and Segrave case and by Lord Selborne in the Wahull case (1892). I had ventured, in *Peerage and Pedigree*, to question Lord Cottenham's ruling, and to point out that his lordship's reliance on the word 'parliament' (or even *plenum parlamentum*) was 'begging the whole question of what the word "parliament" denoted at that date'. I also urged that he missed the point in his 'judgement' on the claim, and that 'the validity of this document as proof of sitting appears to be open to question'. When the St. John case came on for hearing, this was the objection taken for the Crown, and in spite of the powerful advocacy, for the claim, of Sir Robert Finlay and Mr. Cozens-Hardy, the committee, by a majority of four to two, ratified that objection and decided against the claim. Thus the 'parliament' of 1290 underwent in turn the same fate as those of 1264 and 1283, and if that of 1294 has not yet been formally rejected, there is now at least, on the part of their lordships, a decided tendency to accept, as valid 'for peerage purposes', nothing earlier than 'the model parliament' of 1295. This, indeed, is the date they have allowed to the baronies of Furnivall and of Martin.

I pointed out in the work above cited that, even in the Wahull case, the house had shown 'a strong tendency to accept only records relating to properly constituted parliaments'; but there had never been laid down any definite principle by which it could be determined whether they were so constituted. It is this principle that has now been supplied by the notable 'judgements' of Lord Parker and Lord Parmoor on the claim

¹⁶ Maitland refers to this in *The Constitutional History of England* (p. 79) as a 'very instructive' point.

to the barony of St. John. The former laid it down that the sitting must have been in

a Parliament in the modern sense of the word; that is to say, it must have conformed in its more essential characteristics to what is called the Model Parliament of 1295. . . . Assemblies in which the Commons were unrepresented, though called Parliaments, have never been recognized as Parliaments for peerage purposes.¹⁷

Lord Parmoor, who followed, held that

the sitting must be in a Parliament in the later sense of the word, and something more than presence in an assembly or council called together for consultation with the King . . . a sitting at such assembly or council would not . . . establish an hereditary peerage.¹⁸

The question, therefore, was this :

Was the meeting that of an assembly or council called together for consultation with the King, or was it a Parliament in the later sense of the word, constituted in substantial accord with the Model Parliament of 1295? ¹⁹

As against the view adopted by Lord Parker and Lord Parmoor, who both held the presence of the three estates to be necessary, it was contended 'on behalf of the claimant, that prior to the date of the model parliament of 1295 it is sufficient for the claimant to prove a sitting in a national assembly properly convoked according to the procedure prevailing at the time, and that the assembly of May 29, 1290, was such an assembly'.²⁰ Lord Parmoor's comment on the view which he thus stated was that 'no authority was cited in favour of so wide a proposition, and to sanction it would introduce a new principle highly inconvenient in the consideration of peerage claims'. One thus returns to Stubbs's phrase that 'it is convenient' to adopt the date 1295. Let me again insist that this is not a question of good or bad history or of good or bad law. It rests entirely with the lords to select a date for themselves, but the peerage lawyer may well hope that the point will be at last determined and endless argument and trouble thereby averted for the future.

Moreover, although the validity 'for peerage purposes' of a parliament is no concern of the historian, he would, to judge from the latest learning, agree at least with the view that the assembly of 1295 was the parent of modern parliaments. If M. Pasquet, in his essay on the origin of the house of commons, holds that Stubbs has exaggerated somewhat the

¹⁷ *Minutes*, pp. 214, 215.

¹⁹ *Ibid.*

¹⁸ *Ibid.* p. 217.

²⁰ *Ibid.* p. 219.

importance of 'the model parliament', he makes this admission :

la nouveauté du Parlement de 1295 consiste donc dans la réunion à un même Parlement de groupes divers qui représentent tout ce qui compte alors dans la nation et qui, auparavant, n'ont jamais été réunis tous ensemble en même temps. Dorénavant, lorsque le roi voudra convoquer un Parlement semblable, les brefs de 1295 serviront de modèle.²¹

Professor Tait, commenting on this, has observed that nothing can 'alter the fact that in every essential the parliament of 1295 was the model for all subsequent parliaments of the three estates.'²² Even stronger and more apposite is the conclusion of Maitland, who observes that it

gives us the model for all future parliaments. . . . A body constituted in this manner is a parliament; what the king enacts with the consent of such a body is a statute. . . .

Now and again the name is given to meetings of the king's ordinary council, or to meetings which would afterwards have been called *magna concilia* as distinct from *parliamenta*—meetings of the prelates and barons to which representatives of the commons were not called—or again to some anomalous assemblages which were occasionally summoned. But very quickly indeed usage becomes fixed: a *parliamentum* is a body framed on the model of 1295, it is frequently, habitually, summoned, and with its consent the king can make *statuta*. . . . Parliaments formed on the model of 1295 were constantly held during the coming centuries; . . . at last it was distinctly recognised that the sovereign power of the realm was vested in a king and a parliament constituted after this model.²³

Again, looking back from 1509 at 'the permanent results of the eventful two centuries which have elapsed since the death of Edward I', he writes :

Our first duty must be to consider what a parliament is. We find that the great precedent of 1295 has been followed, that assemblies modelled on the assembly of that year have been constantly holden, that these have quite definitely the name of parliaments. Parliament is still, at least in theory, an assembly of the three estates.²⁴

The point of view of the late Downing Professor was not identical with that of Lords Parker and Parmoor, but this makes

²¹ With this may be compared a passage in the summing up, by Mr. Raymond Asquith, of the case for the Crown on the St. John claim: 'My submission is that it is the co-existence in one assembly and at one time and for one purpose of the three estates of the realm which really makes a parliament, and that before they begin to co-exist there is no parliament, and if they ceased to co-exist, equally there is no parliament in the material sense' (*Minutes*, p. 199).

²² *Ante*, xxix. 753.

²³ *Op. cit.* pp. 74-6. Cf. p. 69: 'In the latter year (1295) there is, we may say definitely, a parliament; the great outlines have been drawn once for all.'

²⁴ *Ibid.* pp. 165-6.

the more notable the similarity of the conclusions at which they arrived on the first valid 'parliament'.

It should be observed that the St. John decision will also add to the small number of clear precedents for a committee arriving at a conclusion absolutely at variance with that of a previous committee.²⁵ But more important than all, from the historian's point of view—if not from that of the intelligent student of English or, at least, of peerage law—is the sharpness of the contrast it presented between the old school and the new, the hard-won triumph, in the teeth of legal precedent and prejudice, of the school which draws its inspiration from Maitland's brilliant labours. Even among the sages of the law, those who had been trained to believe blindly in the 'authority' of Coke, he whose eager gaze was ever turned towards the light, has come at last into his own. In the three elaborately reasoned 'judgements' delivered on this occasion we detect the underlying difference in the spirit which informed them. For Lord Atkinson, the able representative of the lawyers of the older school, the case was virtually decided by the acceptance of the parliament of 1290 as valid in the Hastings case (1841) and its subsequent acceptance in Lord Cairns's 'judgement' and, by 'a particularly strong committee', in the Wahull case; his lordship felt 'quite unable to disregard all those precedents and to adopt a conclusion unsupported by a single authority'. That Maitland had proved, as shown by the Crown, the word 'parliament', under Edward I, to have had a far less restricted meaning than Lord Cottenham assumed altered the whole aspect of the case, but was for him of no account. And yet, even while the case was being argued in the house, M. Pasquet was independently confirming, in his book on the origin of the house of commons, the contention of the Crown on the 'parliament' in question in every respect.

The excursions of a lawyer into history are at times perilous things, and although it may not be of much consequence that his lordship should assign the 'model parliament' to 'the twenty-fifth of Edward I' or should cite a public record unknown to mortal man,²⁶ it is more serious to find him stating, as historical fact, that

In the twenty-fifth of Edward I the so-called Model Parliament was constituted, and it was by the statute then passed *de tallagio concedendo* declared that 'no tallage or aid should be taken or levied by the King without the goodwill and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses and Freemen of the land'. This statute,

²⁵ See pp. 391 f. above.

²⁶ 'The Welsh Close Roll', which was carefully distinguished by his lordship from 'the English Close Roll'.

securing to the Commons the right to tax themselves, and the subsequent statute of the thirteenth of Edward II (1322), securing to them the right to take a part in all legislation, would appear to me to be the earliest authorised attempts to shape and fashion our parliamentary constitution as now understood.²⁷

For it is clear that the learned lord has here confounded the well-known 'model parliament' of 1295 (23 Edw. I) with that of 1297 (25 Edw. I), in which the so-called 'statute' *De tallagio non concedendo* (his lordship has omitted the *non*) was formerly supposed to have passed. Moreover, the advance in historical knowledge has long made it certain that this so-called 'statute'—though wrongly declared to be such by the judges in 1637—was not a statute at all, and was not passed in this or any other parliament.²⁸ Worse still, as Mr. McKechnie has observed in his *Magna Carta* (ed. 1914), 'it is now well known that the . . . document is unauthentic' (p. 238). As to the next statute cited by Lord Atkinson—that which repealed the ordinances—historians now doubt if it had the effect which he assigns to it, and in any case it did not and could not pass in 'the thirteenth of Edward II' (1319–20). Although his lordship

cannot assume that . . . the distinguished Judges who sat on these Committees were ignorant of some of the well-known and common facts of the constitutional history of England . . .²⁹

it would seem that, even in these days, a no less distinguished judge may not always be perfectly acquainted with English constitutional history.

Again, it was somewhat disquieting in these days to hear a learned law lord confidently, almost indignantly, appealing to *May's Parliamentary Practice* for the fact that 'William the First, in the fourth year of his reign, summoned, by the advice of his barons, a council of noble and wise men learned in the law of England', and insisting that 'Lord Hale' (1609–76) asserted this to be 'as sufficient and effectual a parliament as ever was held in England'. For we turn, in our time, not to Hale and his *History of the Common Law*, but to Maitland and Pollock and their *History of English Law* (1895, 1898). And, alas, the very existence of this 'council' rests only on that later compilation which even Hallam knew to be 'spurious' and classed with 'pious frauds', and which Dr. Liebermann, with his vast erudition, has dealt with once for all, that 'Leges Eadwardi'

²⁷ *Minutes*, p. 213.

²⁸ Stubbs, *Const. Hist.* (1875), ii. 142–3, *Select Charters* (1870), p. 487; Medley, *op. cit.*, pp. 512–13; Bémont, *Chartes des Libertés Anglaises*, pp. xliii. 87–8 ('ce prétendu statut').

²⁹ P. 214.

of which Maitland wrote that 'it has gone on doing its bad work down to our own time'. The truth of that assertion is amply confirmed by the appeal, however unconscious, to its witness in Lord Atkinson's 'judgement'.

It is with the proud consciousness that their labours have not been wasted that historians will turn to that masterly address in which Lord Parker urged that 'it must be remembered that our knowledge and appreciation of the history of the thirteenth and fourteenth centuries is, as the result of modern research, very different from what it was in the past'. And they will learn, I believe, with gratitude and with peculiar pleasure that both Lord Parker and Lord Parmoor, in their luminous 'judgements', referred to Maitland's researches and to their direct bearing on the question at issue in the case.

J. H. ROUND.

Papal Taxation in England in the Reign of Edward I

‘LET the king live of his own’ is a time-honoured phrase pregnant with meaning for the political and constitutional history of medieval England. Applied to the papacy it had equal force. By the closing years of the twelfth century the holy see was finding its old and established revenues utterly insufficient to meet the cost of rapidly expanding activities.¹ Fresh sources of supply had to be tapped. The first expedient was a tax on the incomes of the clergy. Imposed for the first time in 1199,² it was used with increasing frequency throughout the thirteenth century. Never before had the whole clergy been required to contribute to the maintenance of the head of the church;³ so great an innovation was not to be introduced without resistance.⁴ Nor was opposition confined to contributors. Temporal rulers, labouring under financial burdens fully as great as those of the papacy, found it an irresistible temptation to help themselves from the proceeds of taxation levied on a portion of their subjects.⁵ Lay lords, disturbed about their rights of

¹ See my paper on ‘The Financial System of the Mediaeval Papacy’ in *Quarterly Journal of Economics*, xxiii. 260-3, and the authorities there cited.

² Gottlob, *Die päpstlichen Kreuzzugs-Steuern*, pp. 18-21. This tax was levied for the Holy Land. There were several precedents of taxation of the clergy for this purpose by lay rulers: see Cartellieri, *Philipp II.*, August, ii. 5-25, 52-74.

³ The popes immediately preceding Innocent III had requested aid from certain groups of the clergy in the form of loans or of voluntary subsidies: Schneider, ‘Zur älteren päpstlichen Finanzgeschichte’, *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, ix. 3-12; Benedict of Peterborough, i. 311. The editions of chronicles cited are those published under the direction of the Master of the Rolls unless otherwise noted.

⁴ For examples of such opposition see Roger of Wendover (ed. Coxe), iv. 114-24, 201-4; *Register of S. Osmund* (ed. Jones), ii. 45-54; Matthew Paris, *Chronica Maiora*, iv. 35-43, 526-36, 580-5, 590-7; v. 324-32, 524-7, 532, 539, 540; vi. 144-6; Rishanger, pp. 50-3.

⁵ Gottlob, pp. 46-166; *Registres d’Innocent IV.*, nos. 4055, 5106, 5127, 5211, 5946; *Registres de Grégoire X.*, 186, 193, 920; Rymer, *Foedera*, i. 274, 303, 344, 345; Bliss, *Calendar of Entries in the Papal Registers*, i. 385, 429-33, 551, 552; *Liber Memorandum Ecclesie de Bernewelle* (ed. Clark), p. 231; my article on *The Account of a Papal Collector in England in 1304*, ante, xxviii. 314-17; *Recueil des Historiens des Gaules et de la France*, xxi. 529-60; Langlois, *Le Règne de Philippe III.*, pp. 352-6, 444-7; Boutaric, *La France sous Philippe le Bel*, pp. 278-80.

advowson, watched grudgingly a flow of gold to the papal coffers, which they denounced as injurious to king and kingdom.⁶ There can be no doubt that the new fiscal policy of the papacy reacted strongly on its political and ecclesiastical position.

Yet the extent of this influence cannot be learned from the literature now available. What materials existed before 1881, when students were first allowed to explore freely the archives of the Vatican, were lamentably inadequate. Our information was mainly based on the evidence of prejudiced contemporaries or warped by the bias of those who used it. In recent years a considerable number of monographs have been produced on modern historical methods applied by competent scholars. These treat fully many aspects of the development of the papal treasury, the administration of finances, and the nature of the principal taxes.⁷ But the political results of the papal fiscal policy cannot be estimated until many detailed studies of its application in the different sections of Europe have been made.⁸ Abundant materials exist for such investigations. An episode in the financial relations between England and the papacy may serve to illustrate something of their nature and possibilities.

On 31 March 1272 Gregory X announced his intention to hold a general council on 1 May 1274. He said nothing of taxation, and gave as a principal reason for its summons the deplorable state of the Holy Land.⁹ But the connexion between the needs of the Holy Land and clerical taxation was obvious. For three-quarters of a century the popes had employed that means for financing the crusades,¹⁰ and within the memory of living men two general councils had sanctioned the method.¹¹ Englishmen, who had, moreover, knowledge of the recent activities of the new pope, could hardly avoid the expectation that a council summoned by him would be likely to follow such convenient precedents. A few years before, Gregory X, then archdeacon of

⁶ This is the language of a petition presented to Edward I in 1307 at the parliament of Carlisle: *Rotuli Parliamentorum*, i. 219-21. Similar sentiments were expressed by English and French lords at various times during the thirteenth century: Roger of Wendover, iv. 201-4, 228-32, 240, 241; Matthew Paris, *Chron. Mai.*, iii. 609-14; iv. 419-22, 441-4, 526-36, 560, 561; vi. 99-112.

⁷ For a fuller account of the literature published previous to 1909 see *Quarterly Journal of Economics*, xxiii. 251-95.

⁸ Gottlob and Hennig (*Die päpstlichen Zehnten aus Deutschland*) have made studies of this kind, but they have used printed sources only, and these not exhaustively. Samaran and Mollat's *La Fiscalité pontificale en France* is an excellent monograph, drawn mainly from papal sources, but it does not take sufficient account of the supplementary French materials.

⁹ *Registres de Grégoire X*, p. 161; Potthast, *Regesta*, 20, 525.

¹⁰ Gottlob, pp. 18-93.

¹¹ Both the fourth council of the Lateran (1215) and the first council of Lyons (1245) ordained a triennial twentieth of clerical income: Hardouin, *Acta Conciliorum*, vii. 74, 393.

Liège, had been sent to England as adviser of the legate, Cardinal Ottobon. He had there taken the cross and he was with Prince Edward in Palestine when notified of his election.¹² His words of farewell, 'If I forget thee, O Jerusalem, let my right hand forget her cunning',¹³ may be apocryphal, but they express the sentiment which guided his action as pope. Even before his consecration he was collecting men, money, and ships for the urgent needs of the East,¹⁴ and his summons of the council was issued only four days after his assumption of the tiara.¹⁵ In the following autumn he requested the English clergy, in urgent terms, to grant to the sons of Henry III a tenth for two years to reimburse them for heavy expenses on the recent crusade.¹⁶ Whatever the suggestion of the sufferings of the Holy Land might convey to others, to Englishmen it brought visions of taxation.¹⁷

To them taxation was a good and sufficient reason for opposition. The accustomed dues they were ready to pay, but new taxes of any sort, whether they were called for by the pope or by the king, they regarded as oppressive. When the proceeds were not likely to find their way into the exchequer Edward I could become the popular champion. On the present occasion he joined with the nation in preparations to resist the demand.¹⁸ Though he declined an invitation to attend the council,¹⁹ he sent proctors,²⁰ who were accompanied by representatives of the

¹² Muratori, *Rerum Italicarum Scriptores*, III. i. 597, 601; *Flores Historiarum*, III. 14, 29; Continuator of Florence of Worcester (ed. Thorpe), II. 207; Tononi, *Relazioni di Tedaldo Visconti coll' Inghilterra* (Estratto dall' *Archivio Storico per le Province Parmensi*, 1903).

¹³ Ascribed to him by two writers of the fourteenth century, Jean d'Ypres and Marin Sanudo: Martène and Durand, *Thesaurus Novus Anecdotorum*, III. 747; Bongars, *Gesta Dei per Francos*, vol. II, *Liber Secretorum Fidelium Crucis*, p. 225.

¹⁴ *Reg. de Grégoire X*, pp. 159, 343-8, 356-9, 362-4.

¹⁵ He was consecrated on 27 March 1272: Potthast, *Regesta*, 1653.

¹⁶ Papal letters dispatched at various times in September and October of 1272: *Reg. de Grégoire X*, 186, 193, 920; *Register of Walter Giffard* (Surtees Society), pp. 39-41. The clergy of the province of Canterbury made the desired grant 19 January 1273: *Episcopal Registers, Diocese of Worcester* (ed. Bund), pp. 51, 52. The nature of the transaction was thus viewed by a contemporary: 'Eodem anno dedit Anglicana ecclesia per preceptum Gregorii Papae domino Edwardo regi decimam omnium proventuum,' *Ann. Osney*, p. 256.

¹⁷ That the English anticipated taxation of the clergy in aid of the Holy Land is shown by the instructions given to the proctors whom they sent to the council.

¹⁸ Several of the proctors sent to the council by the baronage and the commonalty as well as those sent by the king (below, p. 401, n. 21) received allowances for their expenses from the exchequer. Public Record Office, Treasury of Receipt, Misc. Roll 12, m. 1; Pells' Issue Roll, 18, m. 1; Devon, *Issue Roll of Thomas de Brantingham*, p. xxxiii.

¹⁹ Bliss, *Calendar*, i. 446.

²⁰ They were John, son of John, John de Vaux, John Wyger, and Ralph de Merlawe. Their letters of credence were dated London, 27 March 1274: Rymer, *Foedera*, i. 510; *Calendar of Patent Rolls, 1272-81*, p. 46.

baronage and the commonalty.²¹ To avoid the unhappy experiences of a similar delegation sent to the first council of Lyons in 1245,²² the proctors of 1274 were directed to offer resistance if attempt should be made to exact any of several taxes specified in their instructions. They were cautioned, among other things, 'that it should be resisted lest archbishoprics, bishoprics, abbacies, priories, parish churches, or prebendal benefices be taxed in aid of the Holy Land, because it may be expected, that if a tax is decreed, in the course of time it will be used for other purposes, especially since the collectors and receivers may be appointed by the holy see.'²³

The foresight of the English was soon vindicated. The first session of the council took place on 7 May, the second eleven days later. During this interval Gregory held informal consultations with representative prelates as to whether the clergy should be taxed for the support of another crusade. These led to the proposal, at the second session, of the constitution *Pro zelo fidei*,²⁴ which provided for the payment by all members of the clergy of a tenth of their incomes for a period of six years beginning on 24 June 1274. The annual payment was to be made in two portions, one at Christmas and one at midsummer,²⁵ under pain of excommunication.²⁶ What part the English proctors took in these proceedings the meagre records of the council do not

²¹ An account of the election of the proctors is printed by Cole, *Documents illustrative of English History in the Thirteenth and Fourteenth Centuries*, p. 358. The document is undated, but all the proctors mentioned were royal clerks, justices, or administrative officials active in the last years of Henry's reign or in the early years of Edward's. The designation of Walter Scammel as treasurer of Salisbury fixes the council of Lyons mentioned as that held in 1274. The events described took place probably before 27 March 1274: cf. *Cal. of Patent Rolls, 1272-81*, p. 46.

²² Cole, pp. 351-3; Matthew Paris, *Chron. Mai.*, iv. 440-5, 478, 479.

²³ Cole, p. 358.

²⁴ *Brevis Nota eorum quae in secundo Concilio Lugdunensi generali acta sunt in Hardouin, Acta Conciliorum*, vii. 687, 688. This constitution was not included in the official collection of conciliar constitutions published by Gregory X on 1 November 1274: *Reg. de Grégoire X*, p. 576; Hefele, *Conciliengeschichte* (2nd ed.), vi. 145. It was probably published separately, since there are contemporary copies in two English cartularies: British Museum, Harl. MS. 1708, fo. 238; Lambeth Palace Library, MS. 499, fo. 305. The only printed copy is in H. Finke's *Konzilienstudien zur Geschichte des 13. Jahrhunderts*, pp. 113-16.

²⁵ 'De omnibus redivitibus, fructibus, et proventibus ecclesiasticis . . . decima.' Although the constitution imposes the tax on all the clergy, exemptions were afterwards made in favour of the templars, the knights of St. John, the Teutonic knights, a few minor orders, and all churchmen who took the cross. Gregory X allowed the Cistercian order to commute the tax for a lump sum of £100,000 of Tours. He also exempted benefices of secular clergy worth less than six marks annually and the incomes of lazaret houses, poor hospitals, and regular clergy who had to beg: Pottthast, *Regesta*, 20,905, 20,942, 20,946, 20,948, 21,021; *Reg. de Grégoire X*, pp. 498, 571, 630; Langlois, *Le Règne de Philippe III*, p. 419.

²⁶ Constitution *Pro zelo fidei*, Finke, p. 115; *Registrum Epistolarum Fratris Iohannis Peckham* (ed. Martin), i. 159.

disclose,²⁷ but opposition was at once raised from an unexpected quarter. Among the large number of English clergy present was Richard Mepham, dean of Lincoln.²⁸ He had declined to serve as one of the English proctors or, on the other hand, to join openly in resistance, though he had promised to give his secret aid.²⁹ Yet when Gregory called for expressions of opinion, Mepham presented a memorandum pleading for the exemption of the English clergy on the grounds that their property had been devastated by civil war and burdened by recent taxation. This solitary protest received short shrift. The pope deprived the dean of his benefices for three days;³⁰ and the council unanimously enacted the proposed constitution.³¹

The machinery for the collection of the tenth was set in motion by Gregory in the autumn of 1274. The catholic world was divided into districts and collectors were assigned to each.³² The provinces of Canterbury and York were united in one district and placed in charge of Raymond de Nogaret and John of Darlington.³³ The former was a Gascon, prior of St. Caprais at

²⁷ The *Brevis Nota* is our main source of information. The chronicles contain only brief notices: Finke, *Konzilienstudien*, p. 2. The following English chronicles mention the council, but say nothing of the activities of the English proctors: *Ann. Osney*, pp. 257, 260; *Flores Hist.* iii. 33; Rishanger, p. 81; Wykes, pp. 257, 258; Cotton, p. 151; *Ann. Cambriae*, p. 104; *Ann. de Dunstaplia*, p. 260; *Gesta Abbatum Monasterii S. Albani*, i. 468; *Ann. de Wintonia*, p. 117; Continuator of Florence of Worcester, ii. 213; *Ann. Londonienses*, p. 83; 'Chron. Hulmense', *Monum. Germ.*, SS. xxviii. 599; Trivet (ed. Hog), pp. 286, 287; Robert de Graystones (Surtees Society), p. 55; John de Oxenedes, p. 223; *Chron. Petroburgense* (Camden Society), pp. 20, 21; *Liber de Antiquis Legibus* (Camden Society), p. 172.

²⁸ Many of the English clergy who attended are mentioned in the chronicles cited above (n. 27) and in the *Calendar of Patent Rolls, 1272-81*, pp. 42, 44-50, and the *Calendar of Close Rolls, 1272-9*, pp. 116, 117.

²⁹ Cole, *Documents*, p. 358.

³⁰ Walter of Hemingburgh (ed. Hamilton), ii. 2-4. His story may be embellished rhetorically at the cost of veracity, but there seems to be no reason for doubting his principal statements of fact. A speech which he puts in the mouth of Gregory X follows closely the tenor of the constitution *Pro zelo fidei*, and his intimation that Gregory X consulted individuals corresponds with the account in the *Brevis Nota*. Walter was a canon of Gisburn, and if he was contemporary—which seems highly probable (see Hamilton's preface, i, pp. v-xiii; Hardy, *Descriptive Catalogue*, iii. 255; Liebermann, preface to chronicle, *Monum. Germ. SS.*, xxviii. 627, 628)—he may have had first-hand information from his prior, who attended the council (*Cal. of Patent Rolls, 1272-81*, p. 49). The story is told in almost identical words in two chronicles not yet printed (Lambeth Palace, MS. 22, no. 3, *sub anno* 1274; Corpus Christi College, Cambridge, MS. 194, no. 6, fo. 177v). These chronicles are ascribed somewhat doubtfully to Peter Ickham, who also appears to have been a contemporary (Hardy, *Descr. Catal.*, iii, nos. 282, 384, 488; Glover, preface to *Le Livre de Reis de Britannie*, pp. ix-xii; M. R. James, *Catalogue of the Manuscripts in the Library of Corpus Christi College, Cambridge*, i. 470).

³¹ *Reg. de Grégoire X*, p. 494.

³² Commissions dated 20 September 1274: Potthast, *Reg.*, 20,925.

³³ A copy of a notarial copy of their commission is printed in *Reg. of Walter Giffard*, pp. 274-6. Here it is dated 21 October, but the abstract made by Bliss (*Cal.*, i. 449) from the papal register is dated 20 September. Raymond's letter of credence to the

Agen and papal chaplain,³⁴ who had been nuntio and collector of papal dues in England since 1272.³⁵ The latter was an English dominican of high repute for his theological and philosophical writings.³⁶ He had been confessor to Henry III and at times an active and prominent member of his council.³⁷ The appointment of an Englishman was probably dictated by the desire to soften the feeling excited against the papacy by its use of foreigners as collectors.³⁸ The collectors were directed to appoint in each diocese, with the advice of the bishop and two members of the cathedral chapter, two of the local clergy to act as deputies. These agents were to do most of the actual work of assessment and collection. They were required to swear to act honestly and with fidelity and to report frequently to the collectors: in recompense they were exempted from the tax. The collectors were to travel about the country and supervise the work of these subordinates, whom they might dismiss or punish with ecclesiastical censures.³⁹ They were bound on their part to render frequent accounts to the pope, from whom they constantly sought and received advice about specific questions as they arose.⁴⁰ They enjoyed the same privileges as participators in the crusade⁴¹ and a salary of three shillings and sixpence a day from the proceeds of the levy.⁴²

Raymond and John took up their duties in England on

king as collector of the other papal revenues in England was not issued until 6 November 1274: Public Record Office, Papal Bulls, 47/5.

³⁴ Munch, *Pavelige Nuntiers Regnskabs- og Dagböger*, p. 2; John de Oxenedes, p. 222; *Flores Historiarum*, iii. 32; Continuator of Florence of Worcester, ii. 211.

³⁵ Wilkins, *Concilia*, ii. 24; *Worcester Episcopal Registers*, p. 53.

³⁶ M. A. Richardson, *Borderer's Table Book*, i. 83; Quétif and Echar, *Scriptores Ordinis Praedicatorum*, i. 395, 396; *Dictionary of National Biography*, xiv. 61-3.

³⁷ Matthew Paris, *Chron. Mai.*, v. 549; Deputy Keeper of the Public Records, *Fifth Report*, app. ii, p. 63, no. 429; Patent Rolls, 53 Hen. III, m. 9; Rishanger, p. 89; Trivet, p. 296.

³⁸ Cf. Gottlob, pp. 205, 206.

³⁹ These powers are given in their commission.

⁴⁰ Vatican Archives, *Collectoriae*, 213, fo. 14-29, 39-50. This manuscript contains a summary of the accounts of several of the collectors of the tenth and copies of many documents issued to and received from them. The parts relating to a few countries have been published. Jordon (*De Mercatoribus Camerae Apostolicae*, pp. 76, 77) gives a list of these, and notes also several collectors' reports printed from other sources. To these we may add the account of Bohemond de Vitia for the first two years of his collectorship in Scotland, printed by Theiner, *Vetera Monumenta Hibernorum*, pp. 109-16.

⁴¹ These privileges are enumerated in *Reg. de Grégoire X*, p. 569.

⁴² *Collectoriae*, 213, fo. 15, 41; Bliss, *Calendar*, i. 452. Raymond as nuntio and collector of the other papal dues received an additional stipend of eight shillings a day from procurations paid by the English clergy: *Worcester Episc. Reg.*, pp. 52, 68. Ardito, who succeeded Raymond as collector of the tenth but not as receiver of the other revenues, and Gerard de Grandson (see below, pp. 406 f.) each received eight shillings a day from the proceeds of the tenth: *Collectoriae*, 213, fo. 14^v, 15, 40, 42; Bliss, *Cal.*, i. 452.

31 January 1275, when they forwarded copies of their commission to the bishops for publication in the dioceses.⁴³ Soon after they appointed local assistants⁴⁴ and proceeded with the task of valuing the incomes of the clergy.⁴⁵ Since the council had ordered the tenth to be paid on the true value,⁴⁶ the collectors had to make an entirely new assessment. This they did in accordance with detailed instructions given them by the pope.⁴⁷ They or their agents would notify the clergy of a rural deanery to appear on a given day and disclose their incomes under oath, or submit to popular estimation by a jury which might contain laymen.⁴⁸ If the valuation settled by one of these methods appeared unsatisfactory to the assessors, they might make a reassessment in any way they pleased.⁴⁹ The collectors had not long been engaged with this business, when they encountered loud protests. A valuation made by the bishop of Norwich twenty years before had already become established as ancient custom. The new valuation marked a great increase over the

⁴³ The copy sent to the bishop of Worcester is dated 31 January, that to the archbishop of York, 1 February: *Worcester Episc. Reg.*, p. 68; *Reg. of Walter Giffard*, pp. 274-6. A safe-conduct was issued to the collectors on 1 March: *Cal. of Patent Rolls, 1272-81*, p. 82.

⁴⁴ Deputy-collectors were acting in the diocese of Lincoln as early as 24 March 1275: *Ann. de Dunstaplia*, p. 264.

⁴⁵ The collectors and their deputies were engaged in making this valuation in January and February of 1276. Until the new valuation was completed they appear to have accepted payments when due on the basis of some previous assessment, with an understanding that subsequently the taxpayers should make up the difference between the old and the new valuations: *Ann. de Dunstaplia*, pp. 264, 267; *Reg. of Walter Giffard*, no. dcccxxviii; *Chron. Petrobургense*, p. 21; Public Record Office, Clerical Subsidies, 58/1; Bodleian Library, Rawlinson MS. B. 336, p. 196; British Museum, Cotton MS. Tiberius D. VI, part ii, fo. 54.

⁴⁶ Constitution *Pro zelo fidei*, Finke, p. 114.

⁴⁷ In the bull, *Cum pro negotio*, dated 23 October 1274. This is a revision of a set of rules issued by Clement IV for the assessment of a tenth levied in France in 1268: Gottlob, p. 258. There is no copy of this document addressed to the English collectors in the extant registers of Gregory X, but there are contemporary copies in cartularies of Reading, Durham, Christchurch, Canterbury, Peterborough, and Burton: British Museum, Harl. MS. 1708, fo. 240-2; Stowe MS. 930, fo. 31-3^r; Muniments of the Dean and Chapter of Canterbury, Register I, fo. 164-5^r; Society of Antiquaries, MS. 60, fo. 241-3^r; William Salt Archaeological Society, *Collections for a History of Staffordshire*, v. i. 81. They contain the same provisions as the copy issued to the collector in Tuscany: *Reg. de Grégoire X*, p. 571. These rules were issued with slight modifications for the assessment of the sexennial tenth imposed in England by Nicholas IV in 1291: Bliss, *Cal.*, i. 533, 534. A carefully collated copy with a short commentary is printed by Gottlob, pp. 211-17, 258-69.

⁴⁸ Clerical Subsidies, 58/1. This is a summons issued by the local assessors to the clergy of the deanery of Kidderminster. See also *Gesta Abbatum Monasterii S. Albani*, i. 468; John de Oxenedes, p. 226; *Chron. Petrobург.*, p. 21.

⁴⁹ Clerical Subsidies, 58/1; *Collectoriae*, 213, fo. 40. The second is a letter of Gregory X to Raymond and John enlarging the powers given to them by the bull, *Cum pro negotio*. It is dated Beaucaire, 30 August, year I (1272), which is obviously impossible. Doubtless it should be year IV (1275), when Gregory stopped at Beaucaire from May to the middle of September: Potthast, *Reg.*, 1697-9.

old and was not to be borne.⁵⁰ Some time in 1276 the clergy of the province of Canterbury addressed a petition to the pope,⁵¹ in which they complained that the clergy of England 'are crushed at present by so many and so great burdens, that they will not be able to sustain the weight of the immense and unaccustomed valuation, introduced by the recent assessors at the will of the collectors, without damaging scandal and lasting detriment'. The assessors, they said, fix a sum far above the true value and increase by a fourth or a third the estimation made by the juries. On the other hand, if the clergy are to take oath to their incomes, they may perjure themselves unwittingly, since their incomes vary from year to year. 'Wherefore there is generally a muttering among the clergy, who are oppressed by a valuation so huge as never before was known, and a tumult among the people, who, ignorant of clerical incomes, everywhere hurl against clerks the charge of perjury'; and the authority of the church for the discipline of laymen ought not to be impaired by frequent examples of clerks punished for perjury.⁵² The petitioners also charge the assessors with exceeding several of the regulations laid down by the pope; and they conclude by begging 'that the payment of the said tenth may be exacted according to the valuation of Norwich, which had been customarily held to be near enough to the true value, and with which receivers of like taxes had been satisfied as a proper and also a legal estimation from of old'.

The petition was answered by John XXI,⁵³ who promised to remedy any violation of the papal instructions. He commanded the collectors to absolve any who had been excommunicated wilfully and to make satisfaction to any who had suffered unjust extortion. He gave an assurance that the collectors had been ordered to take oath to act honestly and to claim no more than the true value of benefices in the future.⁵⁴ The principal request of the petitioners he denied. The instructions issued by Gregory X

⁵⁰ *Liber Memor. Eccl. de Bernewelle*, pp. 190, 199; John de Oxenedes, p. 226. The assertions of these chroniclers are supported by such fragmentary items of the two valuations as have been printed. See Miss Graham, *The Taxation of Pope Nicholas, ante*, xxiii. 449; *Eynsham Cartulary* (Oxford Historical Society), i. 12, 306. The same seems to be true of the Scottish tenth: see Tout's introduction to *The Register of John de Halton* (Canterbury and York Society), i, pp. ix-xiv.

⁵¹ MSS. of the Bishop of Winchester, Register of John de Pontissara, fo. 90; *Reg. of Walter Giffard*, pp. 314-16. The petition is undated, but it was addressed to Innocent V, who was pope from 21 January (date of election) to 22 June 1276: Potthast, *Reg.*, 1704-8.

⁵² This objection to taking the oath appears frequently: *Gesta Abbatum Monasterii S. Albani*, i. 468; *Chron. Petroburg.*, p. 21.

⁵³ By letters of 12 and 13 February 1277: Bliss, *Cal.*, i. 452, 453.

⁵⁴ The collectors took this oath publicly at the Templars' church in London on 17 May 1277: *Collectoriae*, 213, fo. 43.

were to continue in force and the valuation of Norwich was disallowed. He concluded with expressing the desire that the English clergy would cease to offer 'frivolous excuses' and pay the tenth. This reply gave no satisfaction to the English clergy. Many of them availed themselves of the hope held out in the papal letters and demanded a reassessment.⁵⁵ They discovered so many ambiguities in the rules for assessment that the perplexed collectors had to seek further explanation from the pope about their interpretation.⁵⁶ Some appealed to the pope over the heads of the collectors.⁵⁷ As late as 1279 the abbot of Westminster was attempting to secure a decision at the papal court that his tax should be £30 annually, when the collectors claimed that £50 was a light valuation.⁵⁸ One large taxpayer was accused of forging letters of acquittance in order to escape payment.⁵⁹

The difficulties of the collectors did not end with the opposition of the taxpayers; the administration suffered from many irregularities. The quick succession of popes⁶⁰ produced confusion. The orders given by a new pope sometimes differed from those of his predecessor, and the clergy availed themselves eagerly of the opportunities thus offered to claim release from their obligations on the ground that the mandates of a deceased pope were inoperative.⁶¹ Changes in the staff of collectors tended likewise to impair efficiency. On 27 October 1275 Gerard de

⁵⁵ Report of the collectors to the pope dated 5 February 1279: *ibid.* fo. 49.

⁵⁶ Undated letter of the collectors to the pope: *ibid.* fo. 49, 50. The letter next preceding, 5 February 1279, states that John of Darlington in person presented these doubtful questions to the pope and cardinals in consistory. He went to Rome as a royal messenger in 1278. His royal safe-conduct is dated 11 February (*Cal. of Patent Rolls, 1272-81*, p. 259), and the royal petition which he carried was answered by papal letters of 1 August (Rymer, *Foedera*, i. 560).

⁵⁷ Bliss, *Cal.*, i. 456, 459.

⁵⁸ *Collectoriae*, 213, fo. 47, 48, 50.

⁵⁹ Muniments of the Dean and Chapter of Canterbury, Eastry Letters, iii. 71 (Historical MSS. Commission, *Report on MSS. in Various Collections* (1901), i. 251).

⁶⁰ Gregory X died on 10 January 1276. There followed Innocent V, 21 January to 22 June 1276; Adrian V, 11 July to 18 August 1276; John XXI, 8 September 1276 to 20 May 1277; Nicholas III, 25 November 1277 to 22 August 1280: Potthast, *Reg.*, pp. 1702-54. The Dunstable annalist reflected one shade of clerical opinion when he said (p. 267) 'hi tres ultimi (i.e. Innocentius, Adrianus et Iohannes) vix per duos annos duraverunt. Et dicitur quod merito, quia noluerunt dictam decimam relaxare'.

⁶¹ The collectors say in a report rendered to the college of cardinals after the death of John XXI: 'Restant enim adhuc valde multa solvenda de decima primi anni, et multa plura de decima secundi anni, et supra modum plura, etiam supra medietatem ut credimus, de decima tertii anni. Et hoc tum propter mutationes circa principales collectores, tum propter varia mandata circa modum exigendi et colligendi, tum propter crebros summorum obitus pontificum, adeo quod nunc non solvendi occasionem querentes assereere non verentur se propter obitum papae ad solvendam decimam non teneri': *Collectoriae*, 213, fo. 41. Similar troubles occurred in other countries. Steinherz, 'Die Einhebung des Lyoner Zehnten im Erzbisthum Salzburg,' *Mittheilungen des Instituts für österreichische Geschichtsforschung*, xiv. 3, 4.

Grandson, bishop-elect of Verdun, was associated with Raymond and John with superior authority. On 13 January 1277 he was called away, and conferred his powers on John of Darlington.⁶² Raymond, who was in Italy at the time, did not return. On 12 February 1277 Arditio, precentor of Milan and papal chaplain, was sent to England in his place.⁶³ Many of the deputies did their work badly.⁶⁴ They exceeded their powers and neglected their duties. The prior of Christchurch, Canterbury, was excommunicated for failure to pay in due time, because he had received an extension from a deputy who had no right to grant it.⁶⁵ Some were wilfully insubordinate. They sought a daily wage equal to that of the collectors, and when refused, threatened to cease work.⁶⁶ Two deputies forged papal letters in order to obtain a stipend,⁶⁷ and others falsified their accounts of expenditure.⁶⁸

The protracted opposition combined with the disordered administration led to heavy arrears.⁶⁹ Large numbers of the clergy fell under sentences of excommunication, interdict, or suspension for non-payment.⁷⁰ Those who incurred the penalty through ignorance or carelessness hastened to pay and secure absolution,⁷¹ but others obstinately refused to satisfy the demands of the collectors.⁷² In 1276 the collectors sought and obtained the king's aid to distrain the goods of the contumacious,⁷³ but in 1281 many still remained obdurate.⁷⁴ At the termination of the sexennial period⁷⁵ so large an amount was still unpaid that the collectors were continued in office. In May of 1282 they reported the total receipts at £110,890 13s. 0½d.,⁷⁶ but £18,000

⁶² *Collectoriae*, 213, fo. 39-41v.

⁶³ He left the Roman court on 17 March and arrived in England before 17 May: *Collectoriae*, 213, fo. 1, 14v, 43.

⁶⁴ Gerard de Grandson used his superior powers to make extensive changes in the staff of deputies: Thorne, *Chronica*, in Twysden, *Historiae Anglicanae Scriptores*, x. 1926; British Museum, Harl. MS. 1708, fo. 215.

⁶⁵ *Reg. Joh. Peckham*, i. 293-7.

⁶⁶ *Collectoriae*, 213, fo. 41.

⁶⁷ *Reg. Joh. Peckham*, i. 58-61.

⁶⁸ *Collectoriae*, 213, fo. 41.

⁶⁹ On 1 June 1277, nearly at the close of the third year, the collectors report the total received from the first year's income at £15,061 2s. 9½d. The amount due was £21,398 or more. In subsequent reports the collectors complain constantly of the large sums in arrears: *Collectoriae*, 213, fo. 15, 40v, 41, 43v, 44, 48.

⁷⁰ *Ibid.* fo. 41, 48.

⁷¹ *Reg. Joh. Peckham*, i. 28-32, 58-61; *Gesta Abb. Monast. S. Albani*, i. 468; Muniments of the Dean and Chapter of Westminster, Misc., 18/5,779, 72/12,322.

⁷² *Collectoriae*, 213, fo. 41. A list of prelates of the diocese of Worcester who were in arrear early in 1282 displays several who had owed sums for five or even for the whole six years: *Worcester Episc. Reg.*, p. 143.

⁷³ *Collectoriae*, 213, fo. 41; *Cal. of Patent Rolls, 1272-81*, p. 155; Public Record Office, Chancery Misc., bundle 19, file 3, no. 4.

⁷⁴ Bliss, *Cal.*, i. 464.

⁷⁵ 24 June 1280: 'Chron. Rotomagense', *Rec. des Hist.*, xxiii. 342.

⁷⁶ *Collectoriae*, 213, fo. 14, 14v.

or more was still outstanding. On 1 July 1282 Arditio, who was now bishop-elect of Modena, left England to take charge of his see.⁷⁷ On 11 October 1283 John was finally released from his collectorship and allowed to devote himself to the archbishopric of Dublin to which he had been appointed in 1279.⁷⁸ By that time the bulk of the tenth had been got together,⁷⁹ and the task of collecting the remainder was imposed on Geoffrey of Vezzano, the resident collector of the other papal dues.⁸⁰ For a few years Geoffrey secured small additional sums,⁸¹ and by 1287, when the total had reached £128,388 1s. 8½*d.*,⁸² only the most hopeless debts could have remained.⁸³ Thenceforth for many years the collection of these arrears was regularly assigned to the collectors of papal revenues in England,⁸⁴ but little or nothing more appears to have been recovered.⁸⁵

⁷⁷ He continued to draw his salary until September, when he submitted his final report to the papal camera. This report was compiled by his kinsman, Philip, who acted as his agent in England from the time of his departure until he had obtained his formal release: *Collectoriae*, 213, fo. 14-15.

⁷⁸ Theiner, *Vet. Monum. Hibern.*, pp. 118, 126.

⁷⁹ The receipts from May to September 1282 were £4,205 6s. 7½*d.*; from then to the time of John's last report £9,805 13s. 6½*d.* The total was then £124,901 13s. 2*d.* *Collectoriae*, 213, fo. 14-15*v.*

⁸⁰ Theiner, *Vet. Monum. Hibern.*, p. 126. Geoffrey had been appointed nuntio and collector of these revenues in 1276, when Raymond de Nogaret, the previous incumbent, withdrew: *Muniments of the Dean and Chapter of Westminster*, Misc. 53/9,439, 9,440, 9,442; *Collectoriae*, 213, fo. 43.

⁸¹ Geoffrey in his first report (*Collectoriae*, 213, fo. 15*v*, 16) accounts for £1,748 10s. 2½*d.* additional. The report is undated, but was probably rendered in 1286. It mentions an error made by John and Arditio in their accounts with the abbot and convent of Reading. Geoffrey acknowledged the discovery of this error by letter of 3 June 1286: British Museum, Harl. MS. 1708, fo. 215, 216. The report was sent during the pontificate of Honorius IV, which ended 3 April 1287.

⁸² Second report of Geoffrey and the last from England in the codex: *Collectoriae*, 213, fo. 16, 16*v*. It is without date, but was probably written before 3 April 1287 or not long after, since Honorius IV is mentioned without indication of his decease. Likewise, Arditio, who also died in 1287 (Eubel, *Hierarchia Catholica*, i. 370), is not styled *quondam* bishop of Modena, although John of Darlington, mentioned in association with him, is so designated.

⁸³ This sum alone represents an average annual yield of £21,398. The average annual yield of the first tenth levied according to the valuation made at the order of Nicholas IV (1291-3) was only £20,281 (MSS. of the Bishop of Winchester, Register of John de Pontissara, fo. 215*v*), and contemporary chroniclers denounced this valuation as higher than any preceding: *Liber Memor. Eccl. de Bernewelle*, pp. 190, 203; *Ann. Osney*, pp. 331-3; John de Oxnesdes, p. 260.

⁸⁴ Commissions of the collectors: Bliss, *Cal.*, i. 585, 617; ii. 64, 117, 126, 436, 451-3; Wilkins, *Conc.*, ii. 431; Public Record Office, Papal Bulls, 44/18.

⁸⁵ Geoffrey held the office of collector in England until 16 March 1300: Bliss, *Cal.*, i. 587, 588. I have discovered none of his reports subsequent to 1287 which relates to this tenth. After Geoffrey's departure Bartholomew of Ferentino and the bishop of Winchester were commissioned to gather the arrears. They were active for a short time assembling the money still in deposit (below, p. 415), but there is no indication that they recovered anything from the taxpayers. Gerard of Pecorara, appointed on 15 February 1304, was the next collector. He reported at the end of the year that there was only a small amount to be received from this source, but

The proceeds of the tenth were employed by Gregory X in such ways as he deemed best suited to promote the interests of a crusade.⁸⁶ In order to add to its prestige he granted to any king who took the cross the yield of the tenth within his dominions.⁸⁷ Edward I was one of them. He was given the tenth of England, Wales, and Ireland, as well as that of Scotland if the king of Scotland should consent, on the condition of his assumption of the cross; and no money was to be delivered to him until he was ready to depart.⁸⁸ In the meantime the collectors were to store the money in monasteries, cathedrals, or other safe places, only to be removed by the pope's order.⁸⁹ Later Gregory limited his original grant. Early in his pontificate he had procured from Philip III of France supplies for the immediate necessities of the Holy Land.⁹⁰ He now reimbursed the French king by a concession of half the first year's income from the tenth in all lands.⁹¹ Thus Edward's portion was reduced to the yield of five and one-half years in the British Isles. His intention to make the crusade was probably sincere, but other affairs prevented his immediate action. He had not yet taken the necessary pledge, when the death of Gregory occurred. Subsequently he hesitated about going in person. To John XXI he was ready to promise only that he would go, or send his brother Edmund in his place.⁹²

Meanwhile the treasure lying idle in his realm was a great temptation to him. During the early years of his reign he

he did not state whether the money still due was in the hands of the depositaries, the deputy-collectors, or the taxpayers; he secured none of it: *ante*, xxviii. 320. The reports of his successors covering nearly all the period from 1305 to 1321 mention no receipts from this tenth: Vatican Archives, *Instrumenta Miscellanea*, cap. viii, no. 10 a; cap. ix, no. 54; *Introitus et Exitus*, 15; Public Record Office, *Roman Transcripts*, General Series, 59.

⁸⁶ On the sincerity of Gregory's motives see von Hirsch-Gereuth, *Studien zur Geschichte der Kreuzzugsidee nach den Kreuzzügen*, p. 7; Roquain, *La Cour de Rome et l'Esprit de Réforme*, ii. 196.

⁸⁷ *Mith. des Inst. für österreich. Geschichtsforschung*, xiv. 2; Gottlob, pp. 109, 110; Jordan, *De Mercat. Cam. Apost.*, pp. 72-82.

⁸⁸ The grant is dated 14 November 1274: Raynaldus, *Annales Ecclesiastici*, 1275, § 44. See also the letter of 24 November on the same subject: von Hirsch-Gereuth, *Studien*, p. 74, n. 85.

⁸⁹ *Reg. of Walter Giffard*, pp. 274-6; *Collectoriae*, 213, fo. 39. These orders were observed so strictly by the collectors, that when Edward commanded them in 1278 to hand over the money of the old coinage in their possession for recoinage (Prynne, *An Exact Chronological Vindication*, usually cited as *Records*, iii. 359), they replied in the presence of his whole council that they would not, unless they had orders to that effect from the pope: *Collectoriae*, 213, fo. 48^v.

⁹⁰ *Reg. de Grégoire X*, pp. 159, 343-50; *Rec. des Hist.* xxi. 530.

⁹¹ Gregory's grant has not been found, but both John XXI and Martin IV acknowledged it: *Collectoriae*, 213, fo. 15, 44, 44^v; Bliss, *Cal.*, i. 466; Langlois, *Le Règne de Philippe III*, p. 444. See also Demski, *Papst Nikolaus IV*, pp. 255, 260; Jordan, *De Mercatoribus Camerae Apostolicae*, pp. 78-82.

⁹² Letter of 12 December 1276: Rymer, *Foed.*, i. 537.

experienced to an unusual extent the financial pressure from which he was never entirely free. The Welsh war of 1277 produced a crisis which forced him to make extraordinary efforts to increase his income during the next two years.⁹³ At the same time a stringency in the money market⁹⁴ made it difficult to anticipate future income already encumbered with heavy debts.⁹⁵ In the winter of 1278 Edward sent John of Darlington and two companions to the pope,⁹⁶ with a request that the money raised by the collectors should be delivered to him at once. Nicholas III, who was then pope, refused to permit this and quoted the regulations laid down by Gregory X. He offered at the same time the sum of 25,000 marks for the expense of immediate preparations, to be paid to Edward as soon as he should have taken the cross.⁹⁷ Edward did not accept this offer, probably because English affairs were making his participation ever more unlikely. In 1280 he endeavoured to have the grant transferred outright to his brother,⁹⁸ and on 10 June 1283, in answer to a papal remonstrance, he announced definitely that he could not make the journey.⁹⁹

Edward had now forfeited any claim to the proceeds of the English tenth, and again he sought to have them given to his brother. While awaiting the reply he laid an embargo on the money by forbidding its export from the realm.¹⁰⁰ Edward said he did this from fear that the money would be exported 'without his knowledge and the special command of the pope'.¹⁰¹ This explanation, however, was intended for the ears of the pope, who had not yet answered his last petition. If Edward's later acts

⁹³ Stubbs, *Constitutional History of England* (4th ed.), ii. 115, 116; Morris, *The Welsh Wars of Edward I*, p. 138.

⁹⁴ In 1277 Edward requested the collectors to deposit the proceeds of the tenth with Italian merchants, who commonly made him large loans, under his guarantee of repayment on demand: *Cal. of Patent Rolls, 1272-81*, p. 214. In 1279 Peckham besought the pope for a loan from the same source with which to pay his *servitia*. He stated that he had no ready money and that he could borrow none elsewhere because of its great scarcity in England: *Reg. Joh. Peckham*, i. 17-20, 48, 49.

⁹⁵ Cf. *Cal. of Patent Rolls, 1272-81*, *passim*, and especially pp. 214, 258, 300, 320, 321; Bond, 'Extracts from the Liberate Rolls', *Archaeologia*, xxviii. 242-6, 273-95; Whitwell, 'Italian Bankers and the English Crown', *Trans. of the Royal Hist. Soc.*, n.s., xvii. 182-4; Vincent, *Lancashire Lay Subsidies*, i. 156; Palgrave, *Antient Kalendars and Inventories of the Treasury*, i. 80, 81; Devon, *Issues of the Exchequer*, p. 90.

⁹⁶ *Cal. of Patent Rolls, 1272-81*, p. 259.

⁹⁷ Rymer, *Foed.*, i. 560.

⁹⁸ *Reg. Joh. Peckham*, i. 140, 141, 190, 191; Raine, *Historical Letters and Papers from the Northern Registers*, pp. 63, 64; Deputy Keeper of the Public Records, *Seventh Report*, app. ii, p. 271, no. 2242; Public Record Office, *Ancient Correspondence*, xiii. 196.

⁹⁹ Rymer, *Foed.*, i. 610; Bliss, *Cal.*, i. 467.

¹⁰⁰ Rymer, *Foed.*, i. 608; *Cal. of Close Rolls, 1279-88*, p. 157.

¹⁰¹ Letter of the king to Hugh, cardinal priest of St. Lorenzo in Lucina, dated 23 November 1282: Prynne, *Records*, iii. 1263, 1264.

may be taken as a guide, the principal reason was the outbreak of the Welsh war, which made it essential to keep ready money in the kingdom in view of possible contingencies. On 28 March 1283 all the sums deposited in churches and monasteries were seized and transported to the royal treasury.¹⁰² This violation of sacred places roused Archbishop Peckham and his suffragans to demand an explanation from the chancellor, Robert Burnell;¹⁰³ and the pope, when he heard the news, ordered the king to restore the money to the places whence it had been taken, and commissioned Peckham to go to the king and see that the restoration was effected.¹⁰⁴ When the archbishop reached Edward in Wales, the war was nearly at an end,¹⁰⁵ the pressure for cash was removed, and Edward readily consented to replace the money within two months. On 29 November Peckham informed the pope that the king's promise had been fulfilled.¹⁰⁶ Edward used little of the money while it was in his possession. The money of the old coinage, which made up £30,000 of the £40,000 then deposited in churches,¹⁰⁷ was handed back untouched, much of it in sacks under the original seals.¹⁰⁸ The only sum from this source entered in the exchequer accounts of receipt is £4,175 10s. 7d. of money of the new coinage,¹⁰⁹ which was repaid out of the proceeds of a thirtieth.¹¹⁰

The successful conclusion of the Welsh war revived Edward's desire to undertake a crusade. Martin IV, who became pope in 1281, had refused to accept Edmund in his brother's place, because he still hoped that the king might go in person.¹¹¹ So now Edward asked once more to have the tenth for himself. Martin IV consented,¹¹² but on conditions which Edward disliked. The negotiations which followed dragged on through the pontificate of Honorius IV¹¹³ and into that of Nicholas IV. During

¹⁰² John de Oxenedes, p. 239; *Ann. de Wigornia*, p. 486; Continuator of Florence of Worcester, ii. 229; *Cal. of Close Rolls, 1279-86*, pp. 206, 235; *Hist. MSS. Comm., Fourth Report*, app., p. 396.

¹⁰³ Letter dated 13 May 1282: *Reg. Joh. Peckham*, ii. 548, 549.

¹⁰⁴ Mandate of 5 July: Bliss, *Cal.*, i. 476; Rymer, *Foed.*, i. 631; Muniments of the Dean and Chapter of Canterbury, Register I, fo. 165^v, 166.

¹⁰⁵ Ramsay, *Dawn of the Constitution*, p. 346.

¹⁰⁶ *Reg. Joh. Peckham*, ii. 635-9; *Cal. of Patent Rolls, 1281-92*, p. 70.

¹⁰⁷ In May of 1282 the amount so deposited was £29,237 8s. 8d. of the old coinage and £10,558 8s. 7½d. of the new. To October of 1283 only £1,905 9s. 7½d. was added, all of the new coinage: *Collectoriae*, 213, fo. 14-15^v.

¹⁰⁸ *Reg. Joh. Peckham*, ii. 638, 639.

¹⁰⁹ Public Record Office, Exchequer K. R. Accounts, 351/10, m. 2. A special roll (*ibid.* 4/2) which summarizes the receipts and expenses for the Welsh war records nothing from this source.

¹¹⁰ *Cal. of Patent Rolls, 1281-92*, p. 70.

¹¹¹ Letter of 8 January 1283: Rymer, *Foed.*, i. 624; Bliss, *Cal.*, i. 467.

¹¹² Letter of 26 May 1284: Rymer, *Foed.*, i. 642; Bliss, *Cal.*, i. 473, 474.

¹¹³ For a brief account of them see Prou's introduction to *Registres d'Honorius IV*, i. pp. lxvii-lxxx, and also B. Pawlicki's *Papst Honorius IV*, pp. 57-63. The principal documents are given by Rymer, *Foed.*, i. 652, 653, 660, 674, 675.

the interval between the two (3 April 1287—22 February 1288) Edward took the cross,¹¹⁴ and on 8 May 1289 he empowered two of his most experienced diplomatic agents, Otho de Grandison and William of Hotham, to treat with Nicholas concerning the affairs of the Holy Land.¹¹⁵ They went in state accompanied by a numerous train.¹¹⁶ At the papal court they smoothed the way by lavish gifts¹¹⁷ and by payment of the tribute then overdue for six years.¹¹⁸ On 7 October 1289 Nicholas IV made a provisional grant of the tenth of the British Isles¹¹⁹ on terms to which Edward agreed in all save a few particulars. On 3 February 1290 he formally accepted the main provisions,¹²⁰ and during the next year he secured the alteration of most of the details to which he had objected.¹²¹ The amended concession provided that half the total proceeds should be paid to the king on 24 June 1291, and the remainder one year later. Edward was to expend the money for a crusade which should begin by 24 June 1293: if through any fault of his own he did not go, he was to restore to Nicholas IV or to his successors all that he had received; if prevented by causes beyond his control, he might retain enough to meet half the expenditure actually incurred. On 14 October 1290 Edward gave the required pledge,¹²² whereupon Nicholas instructed Geoffrey of Vezzano and two others to deliver the first half on the specified date. Since the total of the tenth had not yet been computed accurately, this payment was fixed at 100,000 marks.¹²³ On 13 June 1292 Edward appointed William de Marchia, the treasurer, 'to sue and receive'

¹¹⁴ McLean, *An Eastern Embassy to Europe in the Years 1287-8*, ante, xiv. 308-14. M. Bémont places the event late in 1288: *Rôles gascons*, iii. pp. xiii-xiv. The chroniclers disagree. Rishanger (p. 116) and Trivet (p. 314) in identical accounts give the date as 1288; *Flores Hist.* (iii. 65) and *Ann. de Waverleia* (p. 404) in identical accounts give the date as 1287.

¹¹⁵ J. Stevenson, *Documents illustrative of the History of Scotland*, i. 90, 91. On Otho de Grandison see Kingsford, 'Sir Otho de Grandison', *Trans. of the Royal Hist. Soc.*, 3rd ser., iii. 125-58.

¹¹⁶ Public Record Office, Chancery Misc., 4/5, m. 7, 7v.

¹¹⁷ *Cal. of Patent Rolls, 1281-92*, p. 394; Public Record Office, Exchequer K. R. Accounts, 352/21, m. 4. 11,800 florins were distributed to four cardinals.

¹¹⁸ Rymer, *Foed.*, i. 719.

¹¹⁹ *Ibid.* i. 714; Bliss, *Cal.*, i. 504; *Registres de Nicolas IV*, 1585. Dated 5 November by Theiner, *Vet. Monum. Hibern.*, p. 146.

¹²⁰ Public Record Office, Ancient Correspondence, xiii. 199, 200; *Cal. of Patent Rolls, 1281-92*, p. 341; Rymer, *Foed.*, i. 705.

¹²¹ By papal letters dated 17 May 1290 and 12 February and 18 March 1291; *Cal. of Close Rolls, 1288-96*, p. 122; Bliss, *Cal.*, i. 527, 551, 555; Rymer, *Foed.*, i. 743, 747.

¹²² Rymer, *Foed.*, i. 741.

¹²³ *Ibid.* i. 750; Bliss, *Cal.*, i. 552. A search in the enrolments of chancery and exchequer has brought to light no receipt issued for this sum nor any entry of it in the receipt rolls. Not infrequently, however, receipts were not recorded in either way, and the arrangement in June 1292 for the payment of a second sum of 100,000 marks presupposes that the papal order for the first payment was executed.

from the papal agents the second instalment of 100,000 marks due at midsummer and any surplus which might remain,¹²⁴ and acknowledged the receipt by the treasurer of a second sum of 100,000 marks paid by the papal agents.¹²⁵ Nevertheless, Edward does not appear to have received this payment.¹²⁶

During the course of these negotiations Edward had again utilized the proceeds of the tenth in a manner thoroughly characteristic of the financial expedients to which he was forced constantly to resort. In 1286, when the receipts at the exchequer were barely sufficient to meet ordinary expenditure,¹²⁷ he went

¹²⁴ *Cal. of Patent Rolls, 1281-92*, p. 494.

¹²⁵ *Ibid.* pp. 494, 495; Prynne, *Records*, iii. 471. Since this receipt was issued eleven days before payment was due in conjunction with the commission of William de Marchia as receiver of the payment, it seems probable that the receipt was delivered to William to be given to the papal agents only after they had rendered payment.

¹²⁶ If Edward received two payments of 100,000 marks each, it is impossible to account for several sums received by the papacy. The total yield of the tenth in the British Isles cannot be computed exactly from the records now available. The sums collected down to 1287 in England and Wales and in Scotland were respectively £128,388 1s. 8½d. (above, p. 408) and £17,884 9s. 6¾d. (*Collectoriae*, 213, fo. 28). Nothing more than a small additional amount is likely to have been recovered subsequently (above, p. 408). The accounts of the collectors of the Irish tenth were not included in the general summary of collectors' accounts compiled at the papal camera (*Collectoriae*, 213), although they were rendered (Sweetman, *Calendar of Documents relating to Ireland, 1285-92*, p. 526, no. 1184). The yield of the Irish tenth may be estimated, however, without danger of serious mistake. Statistical items in four different cartularies (*Archaeologia Cambrensis*, 4th ser., xiv. 287; Lambeth Palace Library, MS. 371, fo. 56^r; British Museum, Harl. MS. 926, fo. 2; 3720, fo. 16^v), entered probably in the first half of the fourteenth century, place the tenth of Ireland at £1,647 16s. 4d. Since the English tenth is given accurately—or very nearly so—as £20,862 2s. 4½d. in all these entries, it is probable that the amount of the Irish tenth is also approximately correct. If it be assumed that this later valuation in Ireland was somewhat lower than the valuation for the tenth imposed in 1274, as was the case with the valuations in England and Scotland, £10,100 may represent a fair estimate of the amount produced in Ireland by the sexennial tenth ordained in 1274. The total yield of the tenth in the British Isles, therefore, may be fixed at some figure between £156,000 and £157,000 with only two possibilities of error, both comparatively slight. If Edward received £133,333 6s. 8d., the papacy could have received no more than £24,000. A complete record of the papal receipts probably does not exist, but such scattered items as have come to light exceed £24,000 by a considerable sum. (1) On or before 12 September 1291 the papacy had received £15,666 through the Buonsignori, and (2) £7,000 left in the hands of the Buonsignori at that time was lost by their subsequent failure (below, p. 416). (3) In 1300 English depositaries paid £6,500 to papal agents for delivery to the pope, and they probably paid an additional £12,066 of which definite record does not appear (below, p. 415, n. 143). (4) £2,592 was expended in collecting the English tenth, and (5) £9,786 from the English tenth was delivered to the king of France (below, p. 416). A small part of this sum, however, may be included in the first item, since the Buonsignori were one of eight firms of bankers entrusted with the transportation of this money (*Collectoriae*, 213, fo. 14, 14^r, 44, 44^r). From the Scottish tenth the papacy used (6) £834 for expenses of collection, (7) £1,137 transferred to the king of France, and (8) £7,624 paid to cameral merchants to reimburse them for a loan made to Charles of Anjou which was guaranteed by Martin IV (*Collectoriae*, 213, fo. 28, 29; Jordan, *De Mercat. Cam. Apost.*, pp. 83-96). It does not appear possible, therefore, for Edward to have received the second payment of 100,000 marks.

¹²⁷ *Trans. of the Royal Hist. Soc.*, n.s., xvii. 183, n. 4.

to Gascony. He had to provide additional funds, not only for the expenses of the journey,¹²⁸ but also for the ransom of his cousin, Charles of Salerno, who was detained in captivity by Alphonso of Aragon.¹²⁹ In this emergency he applied to Geoffrey of Vezzano for a loan from the proceeds of the tenth then in deposit.¹³⁰ The papal collector had no authority to make such a loan,¹³¹ but he agreed to a complicated arrangement which gave Edward the money and avoided any technical violation of papal commands.¹³² During 1285 and 1286 the deposits in several churches in the country were surveyed by sheriffs, who carried them to the New Temple in London, where they delivered them to the papal collector.¹³³ From the fund thus amassed Edward received £18,566 13s. 4d.¹³⁴ Repayment was guaranteed by several sureties,¹³⁵ each of whom acknowledged the receipt in deposit from Geoffrey of Vezzano of a certain sum, which he agreed to repay within two months of demand.¹³⁶ The Ricciardi of Lucca, a firm of papal bankers with agents in England,¹³⁷ became security for £8,000, the prior of the hospitallers of St. John for 5,000 marks, and fourteen monasteries for the remainder.¹³⁸ None of the money had passed into the hands of the sureties who gave receipt for it; ¹³⁹ it had been paid to the

¹²⁸ These expenses were heavy: Ramsay, *Dawn of the Constitution*, p. 357.

¹²⁹ Edward lent 10,000 marks for the ransom: Rymer, *Foed.*, i. 694; *Cal. of Patent Rolls, 1292-1301*, p. 409; Public Record Office, Exchequer K. R. Accounts, 352/12, fo. 4.

¹³⁰ Edward had previously obtained several small loans, amounting to £8,093 6s. 8d., from those with whom the tenth was on deposit. Most of these loans, however, were for short terms and were soon repaid: *Cal. of Patent Rolls, 1272-81*, pp. 147, 276, 305; Public Record Office, L. T. R. Enrolled Accounts, Wardrobe no. 2, m. 1; Liberate Roll, no. 38, m. 1; Pells' Issue Roll, no. 22, m. 1.

¹³¹ Above, p. 409.

¹³² I have found no statement of an agreement between the king and the collector, but there can be little doubt that such an agreement existed. Messengers were going backwards and forwards between the king and Geoffrey at the time (Public Record Office, Misc. Books of the Exchequer, Treasury of Receipts, 201, pp. 52, 56), and Geoffrey's clerk drew up the documents required for the transaction (Exchequer K. R. Accounts, 352/21, m. 4). The arrangement is thus described in a wardrobe account: 'Denarios decime receptos de mutuo de magistro Gifredo de Vezano collectore eiusdem pro quibus quidam abbates et priores Angliae fuerunt obligati', Exchequer K. R. Accounts, 351/27, m. 1.

¹³³ Coxe and Turner, *Calendar of Charters and Rolls preserved in the Bodleian Library*, p. 35, ch. 10; Madox, *History and Antiquities of the Exchequer* (2nd ed.), i. 271, n. g; *Charters and Records of Hereford Cathedral* (ed. Capes), pp. 155, 156. The editor of the last confuses this transaction with the seizure of 1283.

¹³⁴ *Cal. of Patent Rolls, 1281-92*, pp. 231, 232, 244; Public Record Office, Exchequer K. R. Accounts, 351/10, m. 3; 351/27, m. 1.

¹³⁵ They were secured through the solicitations of John Kirkby, a royal agent experienced in this kind of work: *Gesta Abb. Monast. S. Albani*, i. 468, 469.

¹³⁶ Public Record Office, Patent Roll, 14 Edw. I, m. 17.

¹³⁷ Jordan, *De Mercat. Cam. Apost.*, pp. 25, 26.

¹³⁸ *Cal. of Patent Rolls, 1281-92*, pp. 231, 244.

¹³⁹ *Gesta Abb. Monast. S. Albani*, ii. 29.

king, and he acknowledged receipt, not from the collector, but from the sureties. To each he promised repayment within two months of demand made on the depositary by the papal collector.¹⁴⁰ Edward remained in undisturbed possession of the loan until 1300, when Boniface VIII announced his intention to employ the remainder of the English tenth for the requirements of the Roman church. On 5 February Boniface appointed the bishop of Winchester and Bartholomew of Ferentino, a canon of St. Paul's, to collect the deposits and assign them to a firm of papal bankers for transport to Rome.¹⁴¹ The king's sureties had to meet their obligations as depositaries,¹⁴² but few, if any, received reimbursement from the king within the stipulated period.¹⁴³ Many of them petitioned for repayment at the parliament of Lincoln held in January of 1301.¹⁴⁴ Their claims were acknowledged, but they found the recovery a slow process. None received cash; some had their debts to the king cancelled; others were granted charges on the farms of royal manors for a period of years.¹⁴⁵ The abbot and convent of Westminster had a typical experience. In answer to a petition for repayment of 1,000 marks they received, on 28 February 1301, a royal order on the exchequer for that amount, but failing to get this order executed, on 28 July 1302 they obtained a second. This was finally honoured on 4 October by the assignment to them for twelve years of the income from four royal manors and from a court in the city of Lincoln. These revenues were already burdened by a charge of £60 annually which the abbot and convent had to take over. At the end of the period they would have a surplus of £53 6s. 8d. in excess of 1,000 marks, and this they were to return to the exchequer. But before the term of the grant had expired, Edward II assigned the income from one of the manors to the Frescobaldi; in consequence of an abbacy

¹⁴⁰ *Cal. of Patent Rolls, 1281-92*, p. 231.

¹⁴¹ Bliss, *Cal.*, i. 585.

¹⁴² On 13 March 1300 the papal executors issued orders to the depositaries to deliver the deposits within two months: *Gesta Abb. Monast. S. Albani*, ii. 29-31; British Museum, Cotton MSS., Vesp. E. XXII, fo. 53^v; Muniments of the Dean and Chapter of Westminster, Misc., 18/5,776. The abbot and convent of Westminster did not pay until 1 April 1301: *ibid.*, 72/12,325; Public Record Office, K. R. Memor. Roll, 28, 29 Edw. I (no. 74), m. 15.

¹⁴³ I have found no evidence concerning the repayment of five of the sureties, who had guaranteed £12,066 13s. 4d. The other eleven, who had guaranteed £6,500, obtained satisfaction ultimately, but none of them was repaid within two months.

¹⁴⁴ K. R. Memor. Roll, 28, 29 Edw. I, m. 11-16.

¹⁴⁵ Public Record Office, K. R. Ecclesiastical, 8/6; K. R. Memor. Roll, 28, 29 Edw. I, m. 11-16; *ibid.*, 31 Edw. I, m. 44^v; *ibid.*, 32, 33 Edw. I, m. 14^v, 16^v; *ibid.*, 4 Edw. II, m. 21; Treasury of Receipt, Misc. Roll, 50^v; British Museum, Cotton MSS., Claud. C. IX, fo. 203; Cleop. C. VII, fo. 177; Cleop. E. I, fo. 238^v; Vesp. E. XXII, fo. 53^v, 68, 68^v; Harl. MSS., 230, fo. 131^v; 645, fo. 69; *Cal. of Patent Rolls, 1301-7*, pp. 119, 120, 226, 363, 364, 446, 447; Prynne, *Records*, iii. 907, 908, 911, 924.

being vacant the error remained undetected for some time, and it was not until 1319 that the king restored the income to the abbot and convent to be held until the payment of the 1,000 marks should have been completed.¹⁴⁶

Meanwhile Edward's troubles with France, Wales, and Scotland had overthrown his project of a crusade. The papacy likewise had its interest in the Holy Land distracted by wars vital to its political interests nearer home. It was the difficulty of paying for a war in Sicily which led Boniface VIII in 1300 to divert the proceeds of the tenth to the necessities of the Roman church.¹⁴⁷ This policy threatened to cause Edward serious financial embarrassment. He had not only to repay the loan which he had made from the tenth in 1286, but he was also liable for repayment on demand of the 100,000 marks which he had received in 1291. Late in 1300 his ambassadors appeared at the papal court,¹⁴⁸ where they soon effected a compromise.¹⁴⁹ Edward was to retain the portion of the proceeds which he had in his possession on 12 March 1301; the pope was to have the remainder.¹⁵⁰ This agreement established a fairly equal division of the gross income. Since £66,666 13s. 4d. had been paid to Edward, £61,721 8s. 4½d. was left for the pope.¹⁵¹ Edward's receipts, however, represented net income, while the papacy had to deduct £2,592 0s. 0½d. for the cost of collection,¹⁵² £9,786 1s. 0½d. paid to the king of France for the yield of the first half-year,¹⁵³ and £7,000 lost by the failure of the Buonsignori, a firm of papal bankers.¹⁵⁴ The papal share was thus reduced to no more than

¹⁴⁶ K. R. Memor. Roll, 28, 29 Edw. I, m. 15; Muniments of the Dean and Chapter of Westminster, Misc., 58/9,506. Similar difficulties encountered by Merton and Osney are related in *Victoria History of the County of Surrey*, ii. 97; Burrows, *Collectanea*, 3rd ser. (Oxford Hist. Soc.), pp. 106, 107.

¹⁴⁷ Gottlob, p. 133.

¹⁴⁸ The negotiations were carried through by Otho de Grandison and Bartholomew of Ferentino (Prynne, *Records*, iii. 989). Otho was appointed envoy to the Roman court on 26 September 1300 (*Cal. of Patent Rolls, 1292-1301*, p. 543). Bartholomew was at the Roman court on 31 December 1300 (Vatican Archives, *Obligaciones*, 1, fo. 13). Gerard, archdeacon of Richmond, who brought the news of the papal grants to Edward in June 1301 (Prynne, *Records*, iii. 898, 912), had left England for the Roman court on 29 December 1300 (*Liber Quotidianus Contrarotulatoris Garderobae*, p. 86).

¹⁴⁹ The agreement was part of a general bargain covering all papal tenths previously levied in England and a new tenth to be levied: Rymer, *Foed.*, i. 928-31; *ante*, xxviii. 314.

¹⁵⁰ Raine, *Letters and Papers from Northern Registers*, pp. 147, 148.

¹⁵¹ This computation is based on the assumptions that the sum of £128,388 1s. 8½d., which had been collected in 1287, was not subsequently increased and that Edward received only one payment of 100,000 marks. If he received two such payments, the inequality of the transaction was much greater.

¹⁵² *Collectoriae*, 213, fo. 16^r.

¹⁵³ *Ibid.* fo. 15^r, 16^v, 44, 44^v.

¹⁵⁴ The Buonsignori had received 34,000 marks from the English tenth in 1291. Of this 20,500 marks had been rendered to the papacy and 3,000 marks cancelled by

£42,343 7s. 3½d., less than two-thirds of the king's share. But the real inequality of the transaction cannot be expressed by figures alone. The papacy had borne the brunt of the hostile criticism aroused by the tax. The king had gained credit for aiding his subjects to resist the imposition of the tax, and had acquired also the lion's share of the spoils.

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a debt of the papacy to the Buonsignori. The remaining 10,500 marks formed part of a sum which they owed to the papacy at the time of their failure. In 1344 Clement VI tried without success to recover this sum from the heirs: Jordan, 'La Faillite des Buonsignori', *Mélanges Paul Fabre*, pp. 429, 432, 435; Vatican Archives, Registers of Clement VI, 21, fo. 524.

The Genoese in Chios, 1346-1566

OF the Latin states which existed in Greek lands between the Latin conquest of Constantinople in 1204 and the fall of the Venetian republic in 1797, there were four principal forms. Those states were either independent kingdoms, such as Cyprus ; feudal principalities, of which that of Achaia is the best example ; military outposts, like Rhodes ; or colonies directly governed by the mother-country, of which Crete was the most conspicuous. But the Genoese administration of Chios differed from all the other Latin creations in the Levant. It was what we should call in modern parlance a Chartered Company, which on a smaller scale anticipated the career of the East India and the British South Africa Companies in our own history.

The origins of the Latin colonization of Greece are usually to be found in places and circumstances where we should least expect to find them. The incident which led to this Genoese occupation of the most fertile island of the Aegean is to be sought in the history of the smallest of European principalities—that of Monaco, which in the first half of the fourteenth century already belonged to the noble Genoese family of Grimaldi, which still reigns over it. At that time the rock of Monaco and the picturesque village of Roquebrune (between Monte Carlo and Mentone) sheltered a number of Genoese nobles, fugitives from their native city, where one of those revolutions common in the medieval republics of Italy had placed the popular party in power. The proximity and the preparations of these exiles were a menace to Genoa, but the resources of the republican treasury were too much exhausted to equip a fleet against them at the cost of the state. Accordingly, an appeal was made to the patriotism of private citizens, whose expenses were to be ultimately refunded, and in the meanwhile guaranteed by the possession of any conquered territory. In response to this appeal, twenty-six of the people and three nobles of the popular party equipped that number of galleys, which were placed under the command of Simone Vignoso, himself one of the twenty-nine privateers. On 24 April 1346 the fleet set sail ; and, at its approach, the outlawed nobles fled to Marseilles, whence many of them entered

the French army and died four months later fighting at Crécy against our King Edward III.

The immediate object for which the fleet had been fitted out had been thus accomplished. But it seemed to Vignoso a pity that it should not be employed, and the Near East offered a tempting field for its activities. The condition of south-eastern Europe in 1346 might perhaps be paralleled with its situation in later times. An ancient empire, which Gladstone described as 'more wonderful than anything done by the Romans', enthroned on the Bosphoros with one brief interval for ten centuries, was obviously crumbling away, and its ultimate dissolution was only a question of time. A lad of fourteen, John V. Palaiologos, sat on the throne of the Caesars, while a woman and a foreigner, the empress-mother Anne of Savoy, governed in his name. Against her and her son the too-powerful Grand Domestic (or, as we should say, prime minister), John Cantacuzene, whom posterity remembers rather as an historian than as an emperor, had raised the standard of revolt. In Asia Minor Byzantium retained nothing but the suburb of Scutari, Philadelphia, and the two towns of Phókaiia. Independent emirs ruled the south and centre, the Ottomans the north, whence in seven years they were to cross into Europe, in eight more to transfer their capital to Adrianople. Already the European provinces of Byzantium were cut short by the frontier of the Bulgarian Empire and still more by the rapid advance of Serbia, then the most powerful state in the Balkan peninsula. Seventeen days before Vignoso sailed for the East, the great Servian conqueror and lawgiver, Stephen Dushan, one of the most remarkable figures in medieval history, was crowned at Skoplje 'Emperor of the Serbs and Greeks' and had proposed to Genoa's rival, Venice, an alliance for the conquest of the Byzantine Empire. Greece proper, with the exception of the Byzantine province in the Morea, was parcelled out between Latin rulers, while Byzantium had no fleet to protect her outlying territories. Under these circumstances a commercial Italian republic might not unnaturally seek to peg out claims in the midst of the general confusion in the East, where only two years before Smyrna, formerly a Genoese colony, had been recaptured from the Turks.

Vignoso's first intention was to protect the Genoese settlements on the Black Sea against the attacks of the Tartars; but information received at Negroponte, where he touched on the way, led him to change his plans. There he found a fleet of Venetian and Rhodian galleys, under the Dauphin of Vienne, preparing to occupy Chios as a naval base for operations against the Turks in Asia Minor. Vignoso and his associates were offered large sums for their co-operation, but their patriotism rejected the

idea of handing over to the rival republic an island which had belonged to the Genoese family of Zaccaria from 1304 to 1329, and which as recently as seventeen years earlier had been recovered by the Greeks. They made all sail for Chios, and offered to assist the islanders against a Venetian attack, if they would hoist the Genoese flag and admit a small Genoese garrison. The scornful refusal of the garrison was followed by the landing of the Genoese ; four days sufficed to take the rest of the island ; but the citadel made such a spirited resistance that three months passed before food gave out and on September 12 the capitulation was signed. The governor, Kalojanni Cybo, himself of Genoese extraction, and a member of the well-known Ligurian family which afterwards produced Pope Innocent VIII, made excellent terms for himself and his relatives, while the Greeks were to enjoy their former religious liberties and endowments, their property, and their privileges. A Genoese governor was to be appointed to administer the island according to the laws of the republic, and 200 houses in the citadel were assigned at once for the use of the Genoese garrison. Vignoso proved by his example that he meant to keep these promises. He ordered his own son to be flogged publicly for stealing grapes from a vineyard belonging to one of the natives, and bequeathed a sum of money for providing poor Chiote girls with dowries as compensation for any damage that he might have inflicted upon the islanders.

Vignoso completed the conquest of Chios by the annexation of Old and New Phókaiá, or Foglia Vecchia and Nuova, as the Italians called them, almost the last Byzantine possessions on the coast of Asia Minor, and celebrated for their valuable alum-mines, whence English ships used to obtain materials for dyeing, and of the neighbouring islands of Psará, or Santa Panagía, Samos, Ikaría, and the Oenoúsai.¹ All these places had belonged to the former Genoese lords of Chios, with whose fortunes they were now reunited. The two Foglie, with the exception of a brief Byzantine restoration, remained in Genoese hands till they were conquered by the Turks in 1455 ; Foglia Vecchia, after about 1402, being administered by the Gattilusj of Lesbos, Foglia Nuova being leased to a member of the *maona* for life or a term of years. Samos and Psará were abandoned in 1475 from fear of corsairs, and their inhabitants removed to Chios, whilst the harbourless Ikaría, where pirates could not land, was in 1362 granted to the Genoese family of Arangio, which held it with the title of Count until 1481. In that year it was ceded for greater security to

¹ Jerome Justinian, *La Description et Histoire de l'Isle de Scios, ou Chios*, part i, 19 ; part ii, 166 ; Boschini, *L'Arcipelago*, pp. 72, 74 ; Piacenza, *L'Egeo Redivivo*, pp. 200, 216 ; Coronelli, *Isola di Rodi*, p. 360. To this occupation of Ikaría refers the ballad in *Journal of Hellenic Studies*, i. 293-300.

the knights of Rhodes, and remained united with that island till it too was conquered by the Turks in 1522. Vignoso desired to add the rich island of Lesbos and the strategic island of Tenedos, which, as we have been lately reminded, commands the mouth of the Dardanelles, to his acquisitions. But his crews had had enough of fighting, and were so mutinous that he returned to Genoa.²

The Genoese exchequer was unable to repay to Vignoso and his partners their expenses, amounting to 203,000 Genoese pounds (£79,170 of our money) or 7,000 for each of the twenty-nine galleys, the Genoese pound being then, according to Desimoni, worth 9 lire 75 centesimi. Accordingly, by an arrangement made on 26 February 1347, it was agreed that the republic should liquidate this liability within twenty years and thereupon become the direct owner of the conquered places, which in the meanwhile were to be governed—and the civil and criminal administration conducted—in her name. The collection of taxes, however, and the monopoly of the mastic, which was the chief product of the island, were granted to the twenty-nine associates in the company, or *mahona*, as it was called. The origin of this word is uncertain. In modern Italian *maona* means a 'lighter'; but those vessels of Turkish invention are not mentioned before 1500. On the other hand, we read of a *maona*, or *madona* (as it is there written), in connexion with a Genoese expedition to Ceuta in a document of 1236, and it has, therefore, been suggested that *maona* is a Ligurian contraction of *Madonna*, and that such trading companies were under the protection of Our Lady, whose image was to be seen on the palace of the Giustiniani at Genoa. At any rate, the name was applied to other Genoese companies, to the Old and New *maona* of Cyprus, founded in 1374 and 1403, and to the *maona* of Corsica, founded in 1378. Other derivations are from the Greek word *μὀνάς* ('unit'), the Genoese *mobba* ('union'), and the Arabic *me-unet* ('subsidy').³

This convention with the *maonesi*⁴ was to be valid only as long as the popular party remained in power at Genoa. The republic was to be represented in Chios by a *podestà*, selected annually

² G. Stellae *Annales Genuenses*, apud Muratori, *Res. Ital. Script.*, xvii. 1086-90; Uberti Folietae *Historiae Genuensis Libri xii* (Genoa, 1585), fo. 137-8^v; 313^v; Ag. Giustiniani, *Castigatissimi Annali della eccelsa & Illustrissima Republi. di Genoa* (Genoa, 1537), cxxxii^v-iv^v; P. Interiano, *Ristretto delle Historie Genovesi* (Genoa, s.a.), fo. 107^v-8^v; *Documenti*, apud Pagano, *Delle Imprese e del Dominio dei Genovesi nella Grecia*, pp. 261-70; Cantacuzene, ii. 583-4; Nikephoros Gregoras, ii. 765-7; Chalkokondyles, p. 522.

³ Comte de Mas-Latrie, *Histoire de l'Île de Chypre*, ii. 366-70; Promis, *La Zecca di Scio*, 14 n². *Atti della Società Ligure di Storia patria*, xxxv. 52, 210; Rhodokanakes, *Ἱστοριὰναι—Xios* i. 8-9, n. 15; J. Justinian, part ii, 143; *Araldica e Diritto* (Jan. 1915), p. 46.

⁴ *Documenti*, apud Pagano, pp. 271-85; *Liber Iurium Reipublicae Genuensis*, ii (*Historiae Patriae Monumenta*, ix), 558-72, 1498-1512.

out of a list of twenty Genoese democrats submitted in February by the doge and his council to the *maonesi*; from these twenty the *maonesi* were to choose four, and one of these four was then appointed *podestà* by the doge and council. Should the first list of twenty be rejected by the *maonesi*, a second list was to be prepared by the home government. The *podestà* was to swear to govern according to the regulations of Genoa and the convention concluded by Vignoso with the Greeks. Twice a year he went on circuit through the island to hear the complaints of the natives, and no *maonese* was allowed to accompany him on those journeys. Another officer of the republic was the *castellano*, or commander of the castle of Chios, likewise chosen annually, from a list of six names, submitted to the duke and his council by the *maonesi*. This officer was bound to find security to the amount of 3,000 Genoese pounds (£1,170) for his important charge. A *podestà* and *castellano* for Foglia Nuova and the *castellano* of Foglia Vecchia, who had the powers of a *podestà*, were appointed in the same way. These officials were responsible for their misdeeds to a board of examiners, and the *podestà* was assisted by six, afterwards twelve, councillors called *gubernatores*, elected by the *maonesi* or their nominees, in everything except his judicial work, where their co-operation was at his discretion. Salaries were not high; those of the *podestà* of Chios and Foglia Nuova were only 1,250 (or £560) and 600 *hypérpera* (or £268 16s.) respectively; those of the three *castellani* ranged from 400 to 500 (or £179 4s. to £224). Out of these sums they had to keep and clothe a considerable retinue. Local officials called generically *rettori*, but familiarly known as *codespótæ* ('joint lords') or *protogérontes* ('chief elders') in the eight northern, and as *logariastái* (or 'calculators') in the four southern or mastic districts of Chios, were appointed by the *podestà*.

The *podestà* had the right of coining money, provided that his coins bore the effigy of the doge of Genoa and the inscription 'Dux Ianuensium Conradus Rex' in memory of Conrad III, king of the Romans, who in 1138 had conceded to the republic the privilege of a mint on condition that her coins always bore his name.⁵ This condition was not, however, always observed in the Chiote mint. The *maonesi* between 1382 and 1415 coined base imitations of the Venetian *zecchini*, a practice likewise adopted by Francesco I Gattilusio of Lesbos, and by Stephen Urosh II of Servia, and which procured for the latter a place among the evil kings in the *Paradiso*⁶ of Dante. From 1415 the name and figure of St. Laurence, the patron saint of the cathedral at Genoa, and the initial or name of the doge began to appear on the Chiote coins; during the Milanese domination of Genoa two dukes of Milan, Filippo

⁵ Promis, p. 39.

⁶ xix. 140-1.

Maria Visconti and Galeazzo Maria Sforza, figured on the currency of the island, and two issued during the French protectorate of Genoa (1458-61) actually bear the kneeling figure of Charles VII.⁷ Finally, from 1483 small pieces bear the initials of the *podestà*. The financial affairs of the company were entrusted to two officials known as *massarj*, who were obliged to send in annual accounts to the Genoese Audit Office. Lastly, Chios was to be a free port for Genoese ships, which were to stop a day there on the voyage to Greece or between Greece and Syria, but no Genoese outlaws were to be harboured there. Thus, while the nominal suzerainty was vested in the home government, the real usufruct belonged to the company, especially as the former was never able to clear off its liabilities to the latter.

The members of the *maona* soon began to tire of their bargain and to sell their shares. Vignoso died, most of his partners resided at Genoa, and only eleven years after the constitution of the original company the island was in the possession of eight associates, of whom one alone, Lanfranco Drizzacorne, had been a member of the old *maona*. These persons, being mainly absentees, had farmed out the revenues to another company, formed in 1349 for the extraction of mastic, and consisting of twelve individuals under the direction of Pasquale Forneto and Giovanni Oliverio. Difficulties arose between the eight partners and their lessees; the republic intervened, and, by the good offices of the doge of Genoa, Simone Boccanegna, a fresh arrangement⁸ was made on 8 March 1362. The island was farmed out for twelve years to the twelve persons above mentioned or their heirs, who collectively formed an 'inn' (or *albergo*), and, abandoning their family names, called themselves both collectively and individually the Giustiniani—a name assumed three years earlier by the members of the old *maona*, and perhaps derived from the palace where their office was. One of the twelve partners, Gabriele Adorno, alone declined to merge that illustrious name in a common designation. The members of this new *maona* were to enjoy the revenues of the island in equal shares; but the republic reserved to herself the right of purchasing Chios before 26 February 1367, the date fixed by the previous arrangement for the liquidation of her original debt of 203,000 Genoese pounds; if that date were allowed to pass without such payment, the republic could not exercise the right of purchase for three years more; if no payment were made by 26 February 1374, that right would be forfeited altogether. No member of the new company could sell his twelfth or any fraction of it (for each twelfth was divided into three parts called *caratti grossi* and each of these three was

⁷ Schlumberger, *Numismatique de l'Orient Latin*, pp. 422 f. and plate xiv. 19, 25.

⁸ *Liber Iurium*, ii. 714-20; *Documenti*, apud Pagano, 285-91.

subsequently subdivided into eight shares, making 288 *caratti piccoli* in all) to any of his partners, but, with the consent of the doge, he might substitute a fresh partner in his place, provided always that the number of the partners remained twelve and that they belonged to the popular party at Genoa. The number was not, however, strictly maintained. Thus, while at first the partners were twelve, viz. Nicolò de Caneto, Giovanni Campi, Francesco Arangio, Nicolò di S. Teodoro, Gabriele Adorno, Paolo Banca, Tommaso Longo, Andriolo Campi, Raffaele di Forneto, Lucchino Negro, Pietro Oliverio, and Francesco Garibaldi, there was soon added a thirteenth in the person of Pietro di S. Teodoro, whose share, however, only consisted of two *caratti grossi*, or sixteen *caratti piccoli*, that is to say, two-thirds of the share of each of the other members. In the very next year some of the partners retired to Genoa, selling their shares, and thus two entire twelfths came into the possession of the same individual, Pietro Recanelli, who had succeeded Vignoso as the leading spirit of the company. Later on, the shares became subdivided to such an extent that at the date of the Turkish conquest more than 600 persons held fractions of them. The shareholders were entitled not only to their dividends but also to a proportionate share of the local offices, of which two or three were attached to each share, but no shareholder could hold the more important for two consecutive years.

When the term for the purchase of the island by the Genoese republic drew near, her treasury, exhausted by the war arising out of her quarrels with the Venetians in Cyprus, was unable to liquidate its debt to the company of 203,000 Genoese pounds, at that time (owing to the change in the value of the pound) equivalent to 152,250. Anxious not to forfeit her right of purchase, the republic paid to the company collectively this sum, which she had first borrowed from the chief members of it in their individual capacity as bankers. By this financial juggle she became possessed of Chios; but, in order to pay the interest on her new loan, she let the island for twenty years more to the *maonesi*, who were to deduct from its revenues the amount of the interest and remit the balance, calculated at 2,000 gold florins, to the Genoese exchequer. Seven years' balance was to be paid in advance. But such was the financial distress of Genoa that the government in 1380 was obliged to mortgage this annual balance to the bank of St. George for 100,000 Genoese pounds. The company then came to the aid of the mother-country, and voluntarily offered to furnish a loan of 25,000 Genoese pounds. In return, the republic, by a convention of 28 June 1385, renewed the lease of Chios, which would otherwise have expired in 1394, till 1418. Five years before the latter date it was again renewed, in return

for a fresh loan of 18,000 Genoese pounds, till 1447; again, in 1436, in consideration of a further loan of 25,000, it was prolonged till 1476, when it was extended to 1507 and then till 1509. Then, at last, the republic not only resolved to pay off the *maonesi*, but even raised the money for the purpose; but the shareholders protested that 152,250 Genoese pounds were no longer sufficient in view of the altered value of the pound (then worth only 3 lire 73 c.) and the large sums which they had advanced. Payment was accordingly postponed till 1513, when it was decided to leave the island in the hands of the Giustiniani till 1542, with some modifications of their charter. In 1528, however, it was finally agreed to lease Chios to them in perpetuity, in return for an annual rent of 2,500 Genoese pounds. At that time most of the shareholders were enrolled in the Golden Book of Genoa.

Such were the arrangements between the company and the mother-country, arrangements which worked so well that in 220 years there was only one revolt against her, when Marshal Boucicault occupied Genoa for the king of France. Considering their contract thereby annulled, the Giustiniani deposed the *podestà* and on 21 December 1408 proclaimed their independence. Venice allowed them to buy provisions and arms; but in June 1409 a Genoese force under Corrado Doria forced them to yield.⁹ Let us now look at their relations with foreign powers. Of these, three were at one time or another a menace to their existence—the Greek Empire, Venice, and the Turks. Both Anne of Savoy¹⁰ and Cantacuzene demanded the restoration of Chios from the republic, which replied that no official orders had been given for its capture and the government could assume no responsibility for the acts of a private company, nor could it dislodge the latter without great expense; at some future date, however, when circumstances were more favourable, it would undoubtedly be possible to restore it to the emperor. The latter was not satisfied with this reply, but bade the Genoese envoys, who were sent to pacify him, fix a definite date for the evacuation of Chios. It was then agreed between him and the republic that the *maonesi* should retain the city of Chios, and enjoy its revenues, for ten years, on condition that they paid an annual tribute of 12,000 gold pieces to the emperor, hoisted his flag, mentioned his name in their public prayers, and received their metropolitan from the church of Constantinople. The rest of the island, including the other forts, was to belong to the emperor, and to be governed by an imperial official, who was to decide all disputes between the Greeks, while those between a Greek and a Latin were to be referred

⁹ Stella, *op. cit.*, pp. 1217-20; Folleta, *op. cit.*, fo. 531; Ag. Giustiniani, *op. cit.* clxxii^v.

¹⁰ *Diplomatarium Veneto-Levanticum*, ii. 4.

to the two Byzantine and Genoese authorities sitting together. At the end of the ten years, calculated from Cantacuzene's occupation of Constantinople, the Genoese were to evacuate Chios altogether. Vignoso and his co-partners, however, declined to be bound by an arrangement made between the emperor and the republic, whereupon Cybo attempted to restore Greek rule, and perished in the attempt. The two Foglie were, however, temporarily reoccupied,¹¹ but the Greek peril ceased when the Emperor John V Palaiologos in 1363 granted Chios to Pietro Recanelli and his colleagues in return for an annual payment of 500 *hypérpera* (or £224).¹² Eight years earlier the position of the *maona* had been strengthened by the same emperor's gift of Lesbos as his sister's dowry to another Genoese, Francesco Gattilusio, whose family, as time went on, ruled also over Thasos, Lemnos, Samothrace, Imbros, and the town of Ainos on the mainland, the present Turkish frontier in Europe. In 1440 John VI renewed the charter of 1363.

Venice was a more obstinate rival. The war which broke out between the two republics in 1350 involved Chios, for a defeated Genoese squadron took refuge there. But Vignoso, with his usual energy, fitted out a flotilla, sailed to Negroponte, captured the castle of Kárystos, ravaged Keos, and hung the keys of Chalkis as a trophy over the castle-gate of Chios—a humiliation avenged by the dispatch of a Venetian squadron which carried off many of the islanders.¹³ During the struggle of the two Italian commonwealths for the possession of Tenedos (granted to Genoa by Andrónikos IV in 1376), Foglia Vecchia was attacked and the suburbs of Chios laid in ashes. For a time the common danger from the Turks united the Venetians and the Genoese company; but in 1431-2 a Venetian fleet bombarded the town. The captain of the Venetian foot-soldiers, who bore the appropriate name of Scaramuccia, was killed while laying a mine, and the admiral, Mocenigo, contented himself with ravaging the mastic-gardens. On his return home he was condemned to ten months' imprisonment in the *Pozzi*; while his Genoese rival, Spinola, carried off the keys of Kárystos to adorn the castle of Chios, where they were still visible in the sixteenth century.¹⁴

There remained the most serious of all enemies—the Turks. Murad I, who died in 1389, had already levied tribute from Chios;¹⁵

¹¹ Cantacuzene, iii. 81-4; Nikephóros Gregorás, ii. 842, 851.

¹² Vlastós, *Χιακό*, 228-31.

¹³ G. Stella, p. 1091; Raphayni Caresini *Continuatio Chronicorum Andreae Danduli*, apud Muratori, *Res. Ital. Script.*, xii. 420-1; Sanudo, *Vite de' Duchi di Venezia*, *ibid.* xxii. 621-2; Matteo Villani, *Istorie*, *ibid.* xiv. 117-18.

¹⁴ *Atti della Società Ligure di Storia Patria*, xiii. 198; J. Justinian, part ii, 165; J. Stellae *Annales Ianuenses*, in *Res. Ital. Script.*, xvii. 1307-8.

¹⁵ Chalkokondyles, p. 519.

Mohammed I in 1415 fixed this sum at 4,000 gold ducats, while the lessee of Foglia Nuova paid 20,000 out of the profits of the alum mines. By this system of Danegeld the *maonesi* kept on fairly good terms with the Turks till the capture of Constantinople. The active part taken in its defence by one of the Giustiniani, whose name will ever be connected with that of the heroic Constantine XI, exasperated Mohammed II against Chios, whither the chalices and furniture from the Genoese churches of Pera were removed, and many of the survivors fled for safety. An increase of the tribute to 6,000 ducats was accepted.¹⁶ But in 1455 the Turks sent two fleets to Chios under the pretext of collecting a debt for alum, alleged to have been supplied to the *maona* by Francesco Drapperio, former lessee of Foglia Nuova, and then established at Pera.¹⁷ These expeditions cost the company Foglia Nuova, but it gained a further respite by the payment of a lump sum of 30,000 gold pieces and the increase of the annual tribute to 10,000 ducats. In vain it appealed to Genoa and to the pope; in vain on 7 April 1456 the republic wrote to our King Henry VI,¹⁸ then struggling against the Yorkists, for assistance, reminding him that there had been few wars against the infidels in which the most christian kings of England had not borne a great part of the toils and dangers. The extinction of the Lesbian principality of the Gattilusj in 1462, the taking of Caffa in 1475, the capture of the Venetian colony of Negroponte by the Turks in 1479, were signs of what was in store for Chios, now completely isolated. The *maonesi* in vain wrote to Genoa, threatening to abandon the island, if help were not forthcoming, and offered to cede it to her altogether. 'We cannot put our hands', so ran their letter, 'on 100 ducats; we owe 10,000. The Genoese mercenaries sent us were very bad. Send us none from the district between Rapallo and Voltri, for they quarrel daily, steal by day and night, and pay too much attention to the Greek ladies,' whose charms were the theme of every visitor to the island.¹⁹ The only means of maintaining independence was to pay tribute punctually and to propitiate any persons who might be influential at the Porte, notably the French ambassadors, two of whom visited Chios in 1537 and 1550. Finally, in 1558 Genoa disavowed all connexion with the island, and instructed her representative at Constantinople to repudiate her sovereignty over it.²⁰

Then came the final catastrophe. The company was no longer able to provide the annual tribute, which had risen to 14,000

¹⁶ *Atti*, vi. 20, 353-4; xiii. 222, 231, 260-2, 996-7; Doukas, p. 314.

¹⁷ Doukas, pp. 322-8.

¹⁸ Veneroso, *Genio Ligure risvegliato*, Prove, p. 30.

¹⁹ *Atti*, vii, part ii, 94-6, 480-7; *The Chronicles of Rabbi Joseph ben Joshua* (transl. Bialloblotzky), p. 289.

²⁰ *Atti*, xxviii. 761, 767.

gold pieces, and to give the usual presents, valued at 2,000 ducats, of scarlet cloth to the Turkish viziers, 'a race of men full of rapacity and avarice', as De Thou called them. It was accused of having betrayed the Turkish plans against Malta to the knights and thus helping to stultify the siege of that island in 1565; while the fugitive slaves who found refuge in Chios were a constant source of difficulties. One of them was the property of the grand vizier; the *podestà*, Vincenzo Giustiniani, called upon either to give him up or pay compensation, confided the latter to an emissary, who absconded with the money. Thereupon Piali Pasha, a Hungarian renegade in the Turkish service, appeared off Chios with a fleet of from 80 to 300 sail on Easter Monday, 15 April 1566. The pasha told the Chiotese that he would not land, as he did not wish to disturb the Easter ceremonies. Next day he entered the harbour and demanded the tribute. After having landed and studied the strategic position, he invited the *podestà* and the twelve 'governors' on board to confer with him, and clapped them into irons. On 17 April, as an inscription²¹ in the chief mosque, then a church, still tells us, he took the town, and the flag of St. George with the red cross gave way to the crescent almost without resistance.

The fall of Genoese rule was ennobled by the heroism of the bishop, Timoteo Giustiniani, who bade a renegade kill him rather than profane the mass, and by the martyrdom of eighteen boys, who died rather than embrace Islâm—a scene depicted by Carlone in the chapel of the Ducal Palace at Genoa.²² The other boys between the ages of twelve and sixteen were enrolled in the corps of janissaries, while the leading *maonesi* were exiled to Caffa, whence some of them, thanks to the intervention of the French ambassador, returned to Chios or Genoa.²³ In vain they demanded from the home government compensation for the loss of their island. As late as 1805 their descendants were still trying to recover a sum of money, deposited with the bank of St. George, and in 1815 the bank ceased to exist and with it the last faint hope of repayment. There were, however, some lucky exceptions to these misfortunes. Thus Vincenzo Negri Giustiniani, who was a child of two at the date of the Turkish conquest, came to Rome, was created by Pope Paul V in 1605 first marquess of Bassano, and in 1610 built the Palazzo Giustiniani, now the seat of the Italian Freemasons and of the Prussian Historical Institute. Professor Kehr,

²¹ *Annual of the Brit. School at Athens*, xvi (1909-10) 154-5; *Χρονικὰ Χρυσῆς* (Athens, 1914), ii. 127.

²² Thuani *Historiarum sui temporis Libri cxxviii.* (ed. 1620), ii. 368-70; Bosio, *Dell' Istoria della Sacra Religione et ill^{ma} Militia di San Giovanni Hierosolimitano*, iii. 757-9; Luccari, *Copioso Ristretto degli Annali di Rausa*, p. 147; A. Mauroceni *Historia Veneta*, p. 335; Rhodokanakes, facing i. 359.

²³ Vlastós, *Χρονικά*, 232-4.

the director of that body, informs me, however, that there is no trace there of the Chiote inscription of 1522, which is said to have been removed thither.²⁴ On the other hand, although the Turks destroyed many churches, Chios still abounds with Latin monuments,²⁵ in which the arms of the Giustiniani—a castle of three towers, surmounted after 1413 by the imperial eagle granted by the Emperor Sigismund²⁶—are conspicuous. It may be of interest to mention that when, in 1912, an Italian attack upon Chios was contemplated, orders were issued to spare the historical monuments of Chios. That island, however, with the exception of a brief Venetian occupation in 1694-5, remained Turkish till 24 November 1912, when a Greek force landed and on the following day easily captured the capital, which thus, for the first time since 1346, passed from under foreign domination.

We may now ask ourselves whether the rule of the company was successful. Financially, it certainly was. Even in its latter days, when heavy loans had been contracted with the bank of St. George and the Turkish tribute was 14,000 gold ducats, a dividend of 2,000 ducats was paid on each of the thirteen original shares; while in its best times the small *caratto*, originally worth some 30 Genoese pounds, was quoted at 4,930. Chios during the middle ages was one of the most frequented marts of the Levant, while the alum of Foglia Nuova (which, as long as that factory remained Genoese, covered the annual rent to Genoa) and the mastic of the island (in which a part of the Turkish tribute was paid) were two valuable sources of revenue. The production of mastic was carefully organized. The company leased to each hamlet a certain area of plantation, and the lessees once a year handed in a certain weight of mastic in proportion to the number of the trees. If it were a good year and the yield were greater, they received a fixed price per pound for the excess quantity delivered; but if they failed to deliver the stipulated amount, they had to pay twice that sum.²⁷ In order to keep up prices in years of over-production, all the mastic over a certain amount was either warehoused or burned. Special officials divided the net profit accruing from its sale among the shareholders; no private person might sell it to foreigners; and thefts or smuggling of the precious gum, if committed on a small scale, cost the delinquent an ear, his nose, or both; if on a large scale, brought him to the gallows. Another curious source of revenue was the tax on widows.²⁸ The latter must have had ample opportunities of

²⁴ *Ann. of Brit. School at Athens*, xvi. 146.

²⁵ F. W. Hasluck, *ibid.* pp. 137-84.

²⁶ J. Justinian, part iii, 116-18.

²⁷ P. Belon du Mans, *Les observations de plusieurs singularitez et choses memorables* (Paris, 1588), pp. 185-7; N. de Nicolay, *Les navigations, peregrinations et voyages, faits en la Turquie* (Antwerp, 1576), pp. 66-7.

²⁸ *Ibid.* p. 76.

avoiding this penalty, for the courtesy and beauty of the Chiote ladies was the theme of every traveller. Indeed, one impressionable Frenchman²⁹ proclaimed Chios to be 'the most agreeable residence' with which he was acquainted, while another visitor³⁰ declared their natural charm, the elegance of their attire, and the attraction of their gestures and conversation to be such 'that they might rather be judged to be nymphs or goddesses than mortal women or maids'. He then, greatly daring, attempts a detailed description of their costume, upon which I shall not venture. Nor were amusements lacking. The inhabitants were musical; they were wont to dance by the Skaramangkoû torrent; the chief religious feasts were kept in state; and Cyriacus of Ancona³¹ was a witness of the festivities which accompanied the carnival in what Bartolomeo dalli Sonetti,³² another traveller of the fifteenth century, called the first island of the Archipelago.

There was more intellectual life at Chios than in some of the Latin settlements in the Levant; indeed, the two Genoese colonies of Chios and Lesbos stood higher in that respect than most of the Venetian factories. The list of authors during the period of the *maona* is considerable. Among them we may specially notice Leonardo Giustiniani, archbishop of Lesbos, but a native of Chios, and author of a curious treatise, *De vera nobilitate*, intended as a reply to the book *De nobilitate* of the celebrated scholar, Poggio Bracciolini. But the chief value of the literary divine for us at the present day is the graphic account which he has left us in two letters, addressed respectively to Popes Nicholas V and Pius II, of the Turkish conquest of Constantinople in 1453 and of Lesbos in 1462—accounts of the greatest historical interest, because their author was an eyewitness of what he described. In Gerolamo Garibaldi Giustiniani, born in Chios in 1544, the island found an historian, who wrote in French a work entitled *La Description et Histoire de l'Isle de Scios, ou Chios*; Vincenzo Banca Giustiniani, another Latin Chiote, edited the works of St. Thomas Aquinas; while Alessandro Rocca Giustiniani translated portions of Aristotle and Hippocrates. But the most curious local literary figure of the period was Andriolo Banca Giustiniani (1385-1456), who sang in Italian verse the Venetian siege of Chios³³ of 1431. The poet was a man of taste and had the means to satisfy it; he constructed near the so-called 'School of Homer' (who, according to Thucydides, was a native of Chios)

²⁹ Belon, p. 186.

³⁰ N. de Nicolay, p. 67.

³¹ Targioni Tozzetti, *Relazione di alcuni viaggi fatti in diverse parti della Toscana* (ed. 2), v. 436; J. Justinian, part ii, 71-7.

³² Pp. 43-4.

³³ Published by G. Porro-Lambertenghi in *Miscellanea di Storia Italiana*, vi. 541-8.

an 'Homeric villa' in a forest of pines near a crystal well, where he was visited by the well-known antiquary and traveller, Cyriacus of Ancona, his frequent correspondent.³⁴ This elegant Chiote accumulated a library of 2,000 manuscripts, and for him Ambrogio Traversari of Florence translated into Latin the treatise on the Immortality of the Soul by the fifth-century philosopher, Aeneas of Gaza. His son, in 1474, entertained at his villa a greater even than the archaeologist of Ancona, then, however, only a modest ship's captain, the future discoverer of America, Christopher Columbus. The culture, however, of the Giustiniani seems to have been mainly Latin—a fact explained by their practice of sending their sons to be educated at Genoa, Pavia, Padua, or Bologna; and it was from Italy that they summoned the architects to build their palaces 'of divers kinds of marbles, with great porticoes and magnificent galleries', and their villas, of which there were more than 100 in the last century of their rule. It was only just before the Turkish conquest that they thought of founding a university.³⁵

But we must also look at the picture from another point of view—that of the governed. The judgement of Finlay that the rule of the company was 'the least oppressive government in the Levant' seems by the light of later research to need qualification. If we are to take as our standard the happiness of the people as a whole, then of all the Latin establishments in the Levant Lesbos comes first. But for that there were special reasons. The first Gattilusio came to Lesbos not as a foreign conquerer, but as brother-in-law of the Greek emperor; he soon spoke the language of his subjects; his successors wrote in Greek, and as time went on the family became hellenized. But a company is apt to be deficient on the human side; and this would seem to have been the weak point of the *maona*. Quite early in its career a conspiracy of the Greeks was discovered, which led to the permanent expulsion of the metropolitan and the substitution in his place of a vicar, called Δίκαιος (or 'the Just'), elected by the company and confirmed by the patriarch. Moreover, the dominant church, whose bishops were usually Pallavicini or Giustiniani, was partly supported by tithes, which the members of the other creed had also to pay, and which they paid so reluctantly that in 1480 the bishop was glad to abandon all claims to tithe and all the church property to the company³⁶ in return for a fixed stipend. Moreover, we are told that certain Latins seized property belonging to Νέα Μονή, 'one of the most beautiful churches of the

³⁴ Tozzetti, v. 454.

³⁵ Thevet in *Ann. of Brit. School at Athens*, xvi. 183-4.

³⁶ J. Justinian, part i, 34-7; M. Giustiniani, *La Scio Sacra del Rito Latino*, pp. 15-16, 78-88; E. Alexandrides in *Χριστιανικά* (Athens, 1911), i. 10-17; Miklosich und Müller, *Acta et Diplomata Graeca Medii Aevi*, ii. 90-2.

Archipelago', as it was called.³⁷ To these ecclesiastical disadvantages was added social inferiority. The native nobles, or *archontes*, sixty in number, although their privileges had been guaranteed at the conquest and although instructions were subsequently given to see that that pledge was respected, ranked not only below the Giustiniani, who formed the apex of the social scale, but below the Genoese *bourgeoisie* also, from which they suffered most. They lived apart in the old town (much as the catholics still do at Syra); and if they sold their property and left the island, they forfeited to the company one-quarter of the proceeds of such sale.

Worse still was the position of the Greek peasantry, who were practically serfs, forbidden to emigrate without permission and passports. Liable to perform military service even out of the island, they had to undertake in time of peace various forced labours, of which the lightest was to act as beaters once a year for their masters during the partridge season. So many of them sought to escape from Chios that a local shibboleth was invented for their identification, and they were obliged to pronounce the word *fragela* (a sort of white bread), which became *frangela* in the mouth of a native. Still, the Greeks were consulted at least formally before a new tax was imposed; a Greek noble sat in the commercial court and on the commission of public works, and during the administration of Marshal Boucicault in 1409 and down to 1417 four out of the six councillors who assisted the *podestà* were Greeks. In later times when there was a Turkish element in the population—for after 1484 the Turks paid no dues—the company provided the salary of the Turkish *kâdi*. Cases were tried in a palace known as the *Δικαιοτάτο* ('Most Just'), and a 'column of justice' hard by served for the punishment of the guilty. A great hardship was the cost of appeals to the ducal council in Genoa—the counterpart of our judicial committee of the privy council. Worst treated of all classes were the Jews, forced to wear a yellow bonnet, to live in their ghetto, which was hermetically closed at Easter, to present a white banner with the red cross of St. George to the *podestà* once a year, and to make sport for the Genoese at religious festivals.³⁸ Such, briefly, was the Genoese administration of Chios—an episode which may serve to remind us how very modern in some ways were the methods of Italian medieval commonwealths.

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³⁷ Miklosich and Müller, iii. 260-4; *Atti*, xxviii. 563-8; J. Justinian, part ii, 82.

³⁸ *Ibid.*, part i, 31-3; part ii, 170-1; Thevet in *Ann. of Brit School at Athens*, xvi. 183.

The Tudor Sumptuary Laws

THE first parliament of Henry VIII met in January 1510, and, amongst other measures, passed a lengthy sumptuary law entitled 'An Act agaynst wearing of costly Apparrell'.¹ This statute is evidently modelled on the acts of apparel of 1463 and 1483, and closely resembles them both in its grading of ranks and classes and in the various articles of apparel prohibited to each. It contained, however, three novel features: it prescribed in most cases forfeiture of the obnoxious apparel as well as imposing fines, it enabled any one to sue for the forfeited apparel and for recovery of the penalties, and it empowered the king to grant licences of exemption. Moreover, while the act of 1483 exempted from its operation women, save only the wives and daughters of husbandmen and labourers, the act of 1510 excluded all women, without distinction. This act, after a preamble reciting the evil results occasioned by 'the greate and costly array and apparrell used wythin this Realme contrary to good Statutes thereof made', goes on to prohibit or restrict the use of dress materials in respect of their colour, quality, quantity, price, and make, on a graduated basis according to the condition and means of the wearer. No man under the degree of a lord is to wear any cloth of gold or silver, sables, or woollen cloth made out of England, Wales, Ireland, or Calais. Velvet of crimson or blue is prohibited to any one under the degree of a knight of the garter; no person under a knight (excepting sons of lords, judges, those of the king's council, and the mayor of London) is to wear velvet in his gown and doublet, or satin or damask in his gown or coat; and no person (with certain exceptions) not possessing freeholds to the yearly value of £20 may wear satin or damask in his doublet, or silk or camlet in his gown and coat. Coming to the lowest class, no serving man is to use above 2½ yards in a short gown or 3 in a long one; and servants of husbandry, shepherds, and labourers, not having goods above £10 in value, are forbidden to wear cloth exceeding 2s. the yard, or hose exceeding 10d. the yard, under pain of three days' confinement in the stocks. The clauses prohibiting foreign woollens and furs show that the act had a protective as well as a sumptuary object. Indeed, the whole of it is indirectly

¹ 1 Henry VIII, cap. 14, *Statutes of the Realm*, iii. 8-9.

conceived in the interests of native industry, for all the richer fabrics mentioned came from abroad, and the trading classes would hardly have submitted to the passing of these vexatious restrictions unless they had anticipated some substantial benefit in return for the limitation imposed on their own style of apparel.²

The act of 1510 was not renewed in the following parliament, which met in 1512, but a proclamation was put forth in 1511 which, according to the foreign observer who supplies the only information known of it, forbade any but lords and knights to wear silk, and any material but camlet to be worn in doublets. The king and court set an example by attiring themselves 'in long grey cloth gowns in the Hungarian fashion', to the great injury of the Genoese and Tuscan merchants in London, who found themselves left with their stocks of silks on their hands.³ The next sumptuary act of the reign (6 Henry VIII, cap. 1)⁴ was, with slight modifications, a re-enactment of that of 1510. The sons of dukes, marquesses, and earls are allowed to wear the same apparel as barons, and sons of barons the same apparel as knights—a witness to the expanding influence of court sunshine on the plumage of the nobility. It was also made lawful for any one to seize any apparel worn contrary to the statute outside the court, and to keep it for his own use. This act did not meet with the king's entire approval, for we find that Wolsey in the same year sent a copy and summary of the measure to Henry at his request for him 'to examyn reforme and corect such poyntes' as should seem to him 'not mete to passe'.⁵ The act of apparel (7 Hen. VIII, cap. 6)⁶ passed in November 1515, in the succeeding session of parliament, shows what the king's amendments were. They were principally in the nature of further and fuller exemptions of officials and servants in the households of the king, queen, and the hoped-for prince whom Katherine was never to rear. It is also notable for an exemption of the fellows of the Inns of Court, who were allowed to wear satin, damask, or camlet. The previous act was repealed, most of its provisions being repeated with the alterations referred to.

On Wolsey's elevation to the chancellorship he made what was probably the first serious attempt to set the law in motion, and in so doing brought down on himself a storm of unpopularity. According to Hall he

² It was said in 1559, in reference to the political influence of the merchants, 'that since the 1 Henry VIII there could never be won any good law or order which touched their liberty or state, but they stayed it': *Lord Salisbury's MSS. (Hist. MSS. Comm.)*, i. 164, no. 14.

³ The merchant Lorenzo Pasqualigo to his brother Francesco, *State Papers, Venetian*, ii, no. 138.

⁴ *Statutes of the Realm*, iii. 121-3.

⁵ Cotton MS. Calig. B. vi. 103, in *Letters and Papers of Henry VIII*, II. i, no. 1223.

⁶ *Statutes of the Realm*, iii. 179-82.

directed commissions into al Shires, for to put the statute of apparell & the statute of labourers in execution. And he himsele one day called a gentleman named Symon fyzRichard, & tooke from him an olde Jacket of Crymosyn [crimson] velvet & diverse brooches, whiche extreme doying caused him greatly to be hated, & by his exsample many cruell officers for malice evell intreated dyverse of kynges subiectes, in so muche that one Shynnyng Mayre of Rochester, set a young man on the Pillory for wering of a ryven [slashed] shert.⁷

The king occasionally exercised his dispensing power. There are on record two licences, granted in 1517, to commoners to wear garments and materials prohibited by the act;⁸ and the charter incorporating the Artillery Company of Finsbury in 1537 contains a clause licensing its members to wear silks, velvet, and furs, which affords a striking illustration of the importance and distinction attached to dress.⁹ In the year 1517 appeared a proclamation for reducing the excessive fare at feasts. The number of dishes at a meal was fixed according to the person of highest rank present, and was limited to nine for a cardinal, to six for a lord of parliament, lord mayor, or knight of the garter, and to three for persons who could spend £40 per annum or were worth £500. Those who offended were to be summoned before the council.¹⁰

No further enactment appeared until the Reformation Parliament was half-way through its zealous career, when it passed, early in 1533, 'An Act for Reformacyon of Excesse in Apparayle'.¹¹ The measure is marked by increased stringency, particularly in the exceptionally minute provisions limiting the use of silk and silk-wrought materials which distinguish, according to the rank or income of the wearer, between those kinds that could be used in different garments of external wear. The use of gold chains and ornaments is also restricted. Other features of the previous statutes reappear in an emphasized form; while the effect of the rise in prices is noticeable in the enhanced limits of income, and the maximum prices of cloth wearable by servants. There is no general exemption of officials and servants in the royal households, but the king is empowered by written licence to allow them to wear as he may prescribe, and licences were soon afterwards granted.¹² The penalties imposed are forfeiture of the prohibited apparel and a cumulative fine of 3s. 4d. a day for every day on which it was worn. During Henry's reign the act was practically

⁷ Hall, *Chronicles* (ed. 1809), p. 583.

⁸ *Letters and Papers of Henry VIII*, II. ii, nos. 3239 and 3755.

⁹ *Ibid.* XII. ii, no. 617 (10).

¹⁰ R. R. Steele, *Catalogue of Tudor and Stuart Proclamations*, i, no. 75.

¹¹ 24 Henry VIII, cap. 13, *Statutes of the Realm*, III. 430-2.

¹² Proclamations concerning apparell of February 1533/4 (Harl. MS. 442, fo. 118; City Corporation Records, Jo. 13, fo. 395) and of May 1534 (Harl. MS. 442, fo. 122).

a dead letter ; in a proclamation¹³ issued in 1542 complaint is made of the neglect of this and other acts ' which ', it recites, ' have not been observed & kept, but neglected & contemned : to the great discontentation & displeasure of the kynges hyghnes, & to the great hurte of the common weale of this his realme.'

Edward VI shared to the full the prevalent notions of the need for maintaining social equilibrium by keeping each man within the bounds of his degree and calling.¹⁴ On the question of apparel he held views as strong as his father's, for, according to Strype, he prepared a bill ' for the restraining and directing of apparel ', the draft outline of which is reprinted in the *Memorials*.¹⁵ A bill, probably framed on the king's draft, passed the house of commons in 1553 and reached the lords, but never became law.¹⁶ In 1554 was passed the last act of apparel (1 and 2 Philip and Mary, cap. 2)¹⁷ which, with that of 1533, remained the basis of sumptuary policy for the next half-century. This statute—made, as a later proclamation puts it, for ' the meaner sort '—is by way of amendment of the existing law, and does not, like its forerunners, profess to lay down an exhaustive code for all classes. The previous act had allowed a limited use of silk to those whose incomes fell short of £20. This was now in effect reversed by the prohibition of silk of any kind worn in or upon hats, bonnets, nightcaps, girdles, hose, shoes, scabbards, or spur leathers by persons beneath the rank of son and heir-apparent of a knight, or possessing less than the income above stated, under a penalty of three months' imprisonment and a fine of £10 a day for each day's infringement of the act. A novel provision imposed the enormous fine of £100 on masters retaining in their service servants whom they knew to offend—though they were not obliged to put away servants and apprentices, bound for a term, until that term expired. Little appears to have been done during the reign to put the act into force, and I have only discovered one prosecution under it, which occurred at Chester.¹⁸

The reign of Elizabeth marks an era of unprecedented activity in the history of restraints on apparel. The queen's passion for outward uniformity, and her rigid love of etiquette, found vigorous outlet in a series of attempts to lay down and enforce an artificial code of dress on a population which was expanding

¹³ *Tudor Proclamations* (facsimiles in Library of Society of Antiquaries), January 1541/2.

¹⁴ Cf. his *Discourse about the Reformation of many Abuses* (among which he enumerates excess in apparel, diet, and building) printed in Burnet's *History of the Reformation*, v. 96, see pp. 100-1.

¹⁵ *Commons' Journals*, i. 20 ; *Lords' Journals*, i. 439.

¹⁷ *Statutes of the Realm*, iv. 239 seq.

¹⁸ R. H. Morris, *Chester during the Plantagenet and Tudor Periods*, p. 376. For complaints of excess in the queen's household, see *State Papers Dom.* (Mary), vol. iv. no. 7.

¹⁵ II. i. 555.

its habits of life as rapidly as it was imbibing new intellectual ideas. Politically and constitutionally also, her sumptuary policy is important as marking her dislike of parliamentary interference and her preference for personal rule. For it is worthy of note that, though several bills for the reformation of apparel were introduced in both houses,¹⁹ yet no measure of a sumptuary nature (with the exception of two short acts to foster the native cap manufacture²⁰) reached the statute book. Burleigh's domestic policy in relation to trade was, to use his own words, 'by all pollyces to abridg the use of such forrayn commodities as be not necessary for us' in order to prevent the excess of imports over exports, and so preserve the balance of trade in the country's favour. He classes silk as one of the commodities to be dispensed with, and, seeing that the statutes of apparel were specially aimed at the use of silk and velvet, it consorted well with this policy to revive and press forward the statutes with all possible zeal. Two of the proclamations on dress, those of 1574 and 1588, touch expressly on the danger created by the influx of foreign unnecessary commodities which could not be answered with native goods, and put it beyond doubt that this protective policy continued to be one of the motives of the sumptuary code.

In less than a year after reaching the throne, Elizabeth gave notice of her determination to have the acts of apparel obeyed. In a proclamation dated 21 October 1559²¹ magistrates and men in authority were charged to see that the law is observed, and a schedule was appended summarizing under five heads some of the principal provisions of the acts of 1533 and 1554. At the same time the privy council issued articles for the reformation of their servants and as an example to be followed by other noble masters.²² Early in the following month a letter was sent by the privy council to the city corporation, which shows that the proclamation was not to be allowed to pass unheeded.²³ It contained the novel suggestion that two watchers should be appointed for every parish, armed with a schedule of all persons assessed to the late subsidy at £20 per annum, or £200 in goods and upwards, in order to see that the prohibition against silk trimmings was being obeyed. This suggested watch gave rise to a system of surveillance which, as we shall see, was soon regularly adopted throughout the city. Yet it appears that the

¹⁹ *Commons' Journals*, i. 73, 74, 109, 114; *Lords' Journals*, i. 646, 659, 729; ii. 148, 153; D'Ewes, pp. 134, 594.

²⁰ 8 Eliz., cap. 11, sec. 2 (no man under degree of a knight or lord's son to wear velvet hat or cap); and 13 Eliz. cap. 19.

²¹ Steele, *Catalogue of Tudor and Stuart Proclamations*, i, no. 517; Strype, *Annals*, I. i. 281; II. ii. 563.

²² Steele, i, no. 515.

²³ City Corporation Records, Journal 17, fo. 168 *seq.*, 8 November 1559, 'Letter of the Privy Council of this date read and considered and commons exhorted to observe the same'; *Repertorium* 14, fo. 245.

corporation felt some repugnance to the proposed enforcement of penal laws which had hitherto been largely a dead letter, and committees were appointed to petition the privy council for a dispensation,²⁴ an appeal that was renewed at a later date. Persistent pressure from the court was being brought to bear, for a precept was issued by the mayor to the aldermen in April 1560 directing them to 'give a diligent eye' to the apparel of persons within their wards and to examine and arrest all suspected offenders.²⁵ Shortly before this, prosecutions were entered in the Star Chamber against several gentlemen who had broken the act of 1533, and they were convicted and sentenced for their default.²⁶

But though laws might be proclaimed and divines inveigh against the excess and variableness of apparel, it was clear that special and more drastic measures would have to be taken if the observance of the laws was to be carried out. In 1561 Cecil had applied to the magistracy in the south and west for reports on the working of the social laws, including the acts of apparel, and in addition he had sent out one Tyldesley on a private tour of inspection into the state of the country and the administration of the law. The report of Cecil's emissary for the county of Buckingham showed a widespread laxity on the part of the justices, and their resentment at Cecil's attempt to speed them in their duties. 'As for apparell,' he says, 'amongst pore men, ther ware some hoop of good to be done yf yt might be folloed which ys begone.' He appends a list of orders for the county made by the justices at the queen's instance, amongst which are contained directions as to the clothing to be worn by the working classes.²⁷

In order to provide more effective police machinery, a well-devised scheme was drawn up for securing conformity, which was embodied in a proclamation dated the 6th of May 1562.²⁸ It was a period when male attire was as variegated and extravagant as female, and changed with as much rapidity as women's fashions do at the present day; when the commonest person, 'som Smithfield Ruffian' flaunted 'som new disguised garment, or desperat hat, fond in facion, or gaurish in colour,'²⁹ in vulgar aping of his betters. The proclamation, therefore, starts with a recital of the excess in apparel daily more

²⁴ Repert. 14, fo. 245, 259 (b).

²⁵ Precept by the mayor to the aldermen, 9 April 1560: City Corporation Records, Jo. 17, fo. 236 b.

²⁶ Hudson, *Collectanea Iuridica* (a treatise of the Court of Star Chamber), ii. 114. Offences of apparel became a normal subject of the court's jurisdiction; cf. Lord Eustace Percy, *The Privy Council under the Tudors*, p. 61.

²⁷ State Papers, Dom., vol. xix, no. 43, 3 September 1561; Froude, *Elizabeth* (Dent's ed.), vi. 323-4.

²⁸ *Book of Proclamations* (Brit. Mus., G. 6463), fo. 47 seq.

²⁹ Ascham, *Scholemaster* (ed. Mayor), p. 44; Strype, *Annals*, i. i. 281-2.

apparent among 'suche as be of the meaner sort, and be least hable with their livinges to mayntayne the same'; and justices and officers concerned are enjoined to see to the due execution of the statute of 1554. The proclamation goes on to lay down a scheme of surveillance for the detection of delinquents both at court and throughout the country. Officers were to be appointed at court to watch and apprehend all who should enter apparelled contrary to the statute of Philip and Mary, after examining them to ascertain the names of their masters. The masters were then to be summoned and examined, and if, as the result of such examination, it appeared that the servant had been transgressing with the knowledge of his master, a bond in 200 marks was to be taken from the latter for his connivance at the offence. Similar supervision was to be exercised in the city and liberties of London, and to that end the mayor and court of aldermen were to appoint in every ward

4 substanciall & well meanyng men . . . to examine all offendours in the sort above written, & apprehending them, to bryng them to the Alderman of the warde, he to commit them to prison, & to certifie the examination & confession, & such knowledge of judgement of the truth of the matter, as he can attayne unto, as well touchyng the master, as the man, to the Mayor & Court of Aldermen; and they to certifie the same indelayedly into the Exchequer, to thintent the forfaytures may be aunswered. The saide 4 followyng the execution of the statute to have the moietie of the forfayture.

Similar supervisory measures were also to be adopted in the Inns of Court and Chancery, in Westminster and the suburbs, and generally in all cities, towns, and villages throughout the realm. In order that the government might be apprised as to how the appointed watchers performed their duty, returns were to be made to the lord chancellor at prescribed intervals; while the judges of assize were to inquire into the matter when on circuit. The official watchers at court were to be provided with briefs of the statutes, and they were to send copies to other officials outside the court who required them. These briefs, or 'abbreviats' as they were also called, were lists in tabular form of the apparel allowed to each class by the statutes. They were issued first in 1561 and were appended as schedules to the later proclamations.

The proclamation turns next to deal with a new abuse not mentioned in the statutes, which, it seems, had recently grown to serious proportions. This was 'the use of the monstrous and outrageous greatness of hosen, which,' it is asserted, had crept a late into the Realme, to the great slaunder thereof, & the undoyng of a number usyng the same, beyng dryven for mayntenance thereof, to seeke suche unlawfull wayes, as by theyr owne confession have brought them to destruction.

As this was a matter which was to cause much heart-searching among the London tailors, it is desirable to quote the enacting part of the proclamation on the point in full.

It is ordayned . . . that no Taylour, Hosier, or other person whatsoever he shall be, after the day of the publication hereof, shall put any more cloth in any one payre of hosen for the outsyde, then one yarde & a halfe, or at the moste, one yarde & three quarters of a yarde of karsey or of any other cloth, lether, or any other kinde, of stuffe above that quantitie. And in the same hosen to be put only one kynde of lynyng, besides linnen cloth next to the legge, yf any shalbe so disposed, the sayde lynyng not to lye loose, nor to be bolstered, but to lye juste unto their legges, as in ancient tyme was accustomed; Sarcenet, Moccado, or any other lyke thing used to be worne, and to be plucked out for the furniture of the hosen, not to be taken in the name of the syde lynyng. Neyther any man under the degree of a Baron, to weare within his hosen any velvet, Sattin or any other stuffe above the estimation of Sarcenet, or Taffata.

Hosiers and tailors were to be summoned before the magistrates and required to enter into bonds of £40 each to observe these provisions, and any refusing to do so were to be imprisoned and deprived of their occupation. As a further precaution, search was to be made, once in every eight days, in the house of every hosier. Other fresh offences created were the wearing of shirts with double ruffs at the collars or sleeves, and the use by those under the degree of a knight of gilt spurs or swords; while the length of swords was curtailed. At the court the former etiquette as regards dress was to be revived.

Prompt measures were at once taken to carry the proclamation into effect. The mayor issued his precept to the aldermen on 14 May to appoint four men as watchers in their several wards to see to the execution of the act of Philip and Mary, and the chamberlain was ordered to provide copies of the briefs of the statutes for their use.³⁰ Bonds were in the same month taken from the tailors and hosiers not to put more cloth in their hose than the specified amount and to line the same in the specified manner.³¹ Some difficulty was experienced, however, in getting all the hosiers to carry out the order. In the ward of Blackfriars they proved specially recalcitrant, and warrants had to be issued to apprehend and bring them before the court of aldermen.³² Servants and apprentices, too, were soon taught to feel that the law was a living force, and that their fondness for immoderate trunk hose could no longer be indulged with impunity. The sting of some of the punishments lay in the ridicule to which they exposed the delinquent. Thus, at the court of aldermen

³⁰ City Corporation Records, Jo. 18, fo. 40; *ibid.* Repert. 15, fo. 76

³¹ *Cal. of State Papers, Dom.* 1547-80, p. 200.

³² City Corporation Records, Repert. 15, fo. 74.

held on 24 January 1565 Richard Walweyn, servant of Rowland Bangham, Esquire, who had that day been arrested in the city 'in a very monsterous and outraygous greate payre of hose' was brought up and ordered to be detained by the sheriff's officer

untyll such tyme as he had bought or otherwyse provyded himself of hoose of a decent & lawfull facyon & sorte accordyng to the form of the . . . proclamacyon . . . and also shewed himself in the same new hose this afternoone to my lord mayre and broughte in to his lordeshipp his other saide monsterous hose to be treshured for a time in some open place in the nether hall where they maye aptly be seen and consideryd of the people as an example of extreme folye.³³

In the case of one Thomas Bradshaw, merchant tailor, for showing himself abroad in monstrous hose 'contrary to good order', the court ordered

that all the stuffinge & lynynges of one of his said hose shalbe cutt and pulled out presently, and he to be put into his doublett and hose, and so lead home through the streates into his Mrs. house, and there the lynyinge and stuffinge of thother to be likewise cutt and pulled out.³⁴

Higher offenders were dealt with more tenderly. In the city repertories are copies of two recognizances in which the parties bound, who are described as gentlemen, engage, under a penalty of £20 each, to discard their monstrous hose and silk and other obnoxious clothing, and to appear at the next court 'in suche decent & semelye apparell' as they may lawfully wear.³⁵ There is also the case of a Thomas Weaver, master of fence, and his two servants, who had entered into recognizances to reform their hose and who had to be further admonished to that end.³⁶ To cope with the increased work thus entailed, the fourteen pleaders attached to the city were ordered to attend in rotation on the mayor and aldermen to assist them in dispatching the cases of a sumptuary nature that came before them.³⁷

Behind all this energy displayed by the corporation were the prompting voice and directing hand of the queen and her chief minister. The queen herself took the occasion of an interview with the lord mayor to charge him to see to the reformation of the abuses of apparel committed by the citizens, and shortly afterwards he and the aldermen were personally admonished by the council in the Star Chamber to similar effect.³⁸ In the matter, too, of the feasts of the livery companies, which had increased

³³ Repert. 15, fo. 414 b.

³⁴ *Ibid.* 17, fo. 78 b, 23 November 1570.

³⁵ *Ibid.* 15, ff. 415 and 416 b, January 1565.

³⁶ *Ibid.* 15, 416 b. An attempt to evade the law under colour of wearing livery came to light in the case of James Sherman, arrested for wearing velvet in his dagger sheath, *ibid.* 15, fo. 78.

³⁷ *Ibid.* 16, fo. 14 b.

³⁸ Jo. 21, ff. 206 b and 210 b, May 1582.

in extravagance till they vied with the banquets of the nobility, complaints from the court were followed by an act of common council for their suppression.³⁹ It is clear that in the absence of this pressure the city authorities would have discharged their duties inadequately. They were, indeed, prepared to cope with the sumptuary excesses of their apprentices, as witness the lengthy act of the common council for apprentices' apparel passed in 1572, and repeated ten years later.⁴⁰ But when they came to deal with citizens and officials they felt a dignified reluctance to apply the acts in their full rigour, and prayed the government to allow a mitigation to those of their fellow citizens whose incomes fell short of the prescribed limitations. In a letter from the lord mayor (Sir Thomas Pullyson) to Burghley, dated 19 February 1585, reference is made to the partial relief contained in the proclamation of 1577, but the writer points out that the relief so granted is insufficient to enable the less opulent citizens to maintain their style in keeping with their position. The relief prayed for appears on this occasion to have been granted, but a few years later the corporation was appealing again for further latitude.⁴¹ At an earlier date they had intervened to stop proceedings against Thomas Partridge, a clothworker, who, it is recorded, was 'molestyd & troblyd by certain promoters in the quenes bench & exchequer for wearinge of apparell' on two days when he attended the lord mayor 'as a wyfler unto the Companye of Clothworkers'.⁴²

A doubt arose on the meaning of the directions in the proclamation regarding the lining of hose, which forms the subject of an interesting letter from Richard Onslow, recorder of London, to Sir W. Cecil of February 1565. The city hosiers, mindful of their bonds, had consulted the recorder as to whether it was permissible to line slops or upperstocks—as the breeches into which the trunk hose had then lately evolved were called—with cotton stitched to the slop, in addition to the linen lining and lining against the legs mentioned in the proclamation. He advised against the legality of this additional lining, and his consulters acted on his advice. Later they found to their cost that their customers left them for hosiers outside Temple Bar who were prepared to put in the questionable lining, and who, moreover,

³⁹ Ellis, *Original Letters* (2nd Series), iii. 37 (1573); Jo. 20 (1) fo. 67, 19 July 1573.

⁴⁰ Jo. 20 (1) ff. 13 *seq.* and 21, fo. 206 (h); Letter Book X, fo. 180 (h) *seq.*

⁴¹ Letter of Sir T. Pullyson (Lord Mayor) to Lord Burghley for mitigation of statutes of apparel 19 February 1585, endorsed 'This are to allow of a rate made by him & the rest of his brethern for the apparell of Citizens': State Papers, Dom., vol. clxxvi, no. 57. In 1588 a deputation was appointed to wait on the queen 'for tolleracon of Apparell': Repert. 21, fo. 556.

⁴² Repert. 18, fo. 294 b. This is the only case I have found of proceedings being instituted by informers.

alleged that Cecil had declared the practice to be lawful and permitted his servants to wear slops so lined. The recorder, on being again consulted by the hosiers, wrote to Cecil for his advice.⁴³ Even with the bonds hanging over their heads the hose makers were not always prudent enough to obey the law, for in January 1565 orders went out to the aldermen to perambulate their wards and admonish such of the trade as displayed the offending hose to put the same away.⁴⁴ It was to clear up this doubt about the lining, probably, and to curb still further the fashion for redundant fullness of hose, which in the grave eye of authority still ran to riotous excess, that a fresh proclamation appeared dated 12 February 1566.⁴⁵ By the terms of this, further limitations were put on the size of upperstocks, which were in future not to take more than $1\frac{1}{4}$ yards of cloth or kersey, nor to exceed in girth $1\frac{1}{8}$ th yards. Further, they were not to contain more than one lining, other than the lining against the leg, which was to be made of stuff of home manufacture. In token of their own zeal for reform and as an incentive to others the proclamation was, according to Strype,⁴⁶ subscribed by several lords and members of the council.

The system of surveillance was now carried a step further; precepts were issued to the city companies to appoint four 'sadde and discrete personages' to be at each of the entrance gates at seven in the morning

ther contynually to remayn and watche untill XI of the clock, and from I of the clock in the afternoone of the same daye until VI of the clock at night, havinge a diligent eye duringe all the said tyme to all and everye such personne & persons as they shall see there to enter into the Cyttye of London, or passe or repasse at or by the same gate usinge or wearinge anyne greate and monstrous hosen, silk, velvet or weapons restreyned and prohibited

by the acts or proclamation. All offenders were forthwith to be haled before the magistrates at the Guildhall.⁴⁷ These gate watchmen did their work too well for some of the men about court, who objected to having to run the gauntlet of inspection every time they passed the gates, much to the sorrow of Ascham, who speaks of the offence taken by these testy gallants.⁴⁸ This supervision continued in practice on and off during the next fifteen years, and probably proved the readiest and most effective

⁴³ Ellis, *Original Letters* (2nd Series), ii. 306-7.

⁴⁴ Repert. 15, fo. 414 b.

⁴⁵ City Corporation Records, Jo. 18, fo. 380 seq.; *Book of Proclamations*, fo. 94.

⁴⁶ Strype, *Annals*, i. ii. 533.

⁴⁷ City Corporation Records, Jo. 18, fo. 283 b (1566); Jo. 20 (2), fo. 348 b (1577); Jo. 21, fo. 19 b (1579); Jo. 21, fo. 35 b (1580); cf. Malcolm, *Londinium Redivivum*, ii. 60.

⁴⁸ *Scholmaster* (ed. Mayor), p. 65.

means of all those adopted for detecting the disorders of dress. The system of what may be called internal surveillance was further drawn closer by the appointment by the aldermen of two men to watch in each parish of their respective wards; these apparently superseding the four watchers previously appointed for the whole ward.⁴⁹

Fashion, however, was stronger than law, and apparel continued to overstep its appointed bounds in a manner that alarmed the government into further action. In 1574 another proclamation appeared,⁵⁰ which was repeated with some variations in 1577, 1580, 1588, and 1597. Two schedules are appended, the first of which—noticeable for the omission, as a distinct class, of gentlemen as such—gives the gist of the statutory restrictions on men's apparel; while the second imposes analogous restrictions on the apparel of their wives. This extension to women indicates the growing licence of feminine attire—a fact which forcibly struck a foreign observer who visited the country some years later, and provoked Stubbes to exclaim 'a ship is sooner rigged than a woman'.⁵¹ The proclamation of 1577⁵² refers to the difficulty that had been experienced of ascertaining the value of a person's estate, in the absence of which it was often impossible to tell whether he was keeping within the law or not. The proclamation deals with this by directing that the value of any person, charged with an offence, is to be ascertained from the rate at which he is assessed in the subsidy books. If the party charged, with a view of clearing himself, offers to prove himself worth as much as the rates fixed by the statutes, he is to be allowed to do so, but at the risk of assessment to the subsidies at the higher rate; and there is a broad hint to the commissioners of the subsidies to assess such a one in future at his own figure. In the schedules to this proclamation the classes of those permitted to wear velvet, satin, and other silk-made cloths were extended by a lowering of the minimum of income and value of the wearers, and by the inclusion of those persons 'as shall continually keepe a great horse furnished for service in warre'—the provision of which was required of all whose wives wore silk gowns, or other rich attire, by the terms of the Statute of 33 Henry VIII, cap. 5; a statute which Elizabeth was diligent to enforce. The second schedule, identical with that in the proclamation of 1574, applies to women's apparel. The proclamation of 1580⁵³ adds injunctions against the fashion of

⁴⁹ Repert. 16, fo. 13 b (1565)

⁵⁰ *Book of Proclamations*, fo. 154 seq.

⁵¹ Rye, *England as seen by Foreigners*, pp. 7-8. For a description of women's dress at this period see *Social England*, iii. 385 seq. 'In women also it is most to be lamented, that they doo now farre exceed the lightnesse of our men': Harrison, *Description of England* (ed. Furnivall), i. 170.

⁵² *Book of Proclamations*, fo. 168.

⁵³ *Ibid.* fo. 196 seq.

wearing 'clokes & ruffes of excessive length & depth', and limiting the length of swords and daggers. Ruffs had grown to disproportionate size with the discovery of starch as a means of stiffening their folds, and wire frameworks had been introduced to afford additional support—contrivances which provoked the furious invective of Stubbes, who attributed their invention to the evil one.⁵⁴

The justices of the peace and other officials concerned were exhorted in the Star Chamber to see the law carried out in 1588 and again in 1595, when they were admonished to exercise 'justice with a herculean courage',⁵⁵ and again in the year following. It is noteworthy that the decline of Burghley's powers with age and family bereavements is followed by the cessation of entries regarding apparel in the records of the city corporation; and about the same time (1588) his interventions on behalf of discipline at Cambridge University fell off, though he held the post of chancellor till his death in 1598. Little can have been done after his decline to enforce the law, and I have discovered only one subsequent case in which punitive steps were taken—that of an attorney who, being summoned before the privy council to answer for another offence, presented himself, 'with a guilt rapier, extreame greate ruffes & lyke unseemlie apparell', for which misbehaviour he was reported to the Court of Common Pleas with a view to being removed from his profession.⁵⁶

The rapid growth of trade and commerce in the latter half of the reign, and the prosperity that came over agriculture with the rise in prices of corn and meat brought with them an increase of domestic and personal comfort and luxury that made the attempt to keep dress within artificial barriers more and more hopeless. The tide was setting from the country to the city. The sons of capitalists, who had invested their money in land, were in many cases converting it back to money, and were forsaking the hospitable life of country squires to squander their patrimony in the gay round of the capital.⁵⁷ Servants were now fed and clothed on a scale that surpassed that of masters a generation before, and ranks became worse confounded than ever.⁵⁸ These twin evils—the decay of hospitality and the confusion of degrees—are dwelt upon in the last proclamation of Elizabeth, which came out in July 1597.⁵⁹ It opens with the usual recital of the

⁵⁴ *The Anatomie of Abuses* (ed. Furnivall), i. 52.

⁵⁵ Hawarde, *Les Reportes del Cases in Camera Stellata* (1593-1609) (ed. W.P. Baildon), pp. 19 and 21, 56-7.

⁵⁶ *Acts of the Privy Council*, xxii. 175 (1591).

⁵⁷ Prothero, *English Farming Past and Present* (1912), pp. 82-3; Jonson, *Every Man out of his Humour*, i. 1, and other references cited in notes to Stubbes, i. 245.

⁵⁸ *A Briefe Conceit of English Pollicy* (ed. Furnivall), pp. 64-5. The laws against retainers were revived by proclamations: see those of 1572 and 1583.

⁵⁹ *Book of Proclamations*, fo. 343 seq.

failure of former proclamations to produce any reform, and goes on to state that the queen, finding that the evil is not cured by clemency, thinks fit to remedy the same 'by correction and severitie'. The queen, however, it is added, had commanded the execution of those parts of the law 'that be most agreeable to this time, and easie and necessary to be observed', and the overlooking of past offences. Thus, by an alternate parade of clemency and severity did Elizabeth seek to draw and drive her subjects into the narrow road of outward decorum, while they, rejecting all her precepts, followed her down the broad way of self-indulgent vanity.

Concurrently with the attempts to rectify national disorders in apparel a strenuous campaign of reform was being carried on at both the universities, which we cannot here deal with in any detail. The proclamation of 1562 directed the chancellors to see the statutes of apparel obeyed in their respective universities; and Cecil, who became chancellor of Cambridge in 1559, on the death of Cardinal Pole, needed no urging to so congenial a task. In 1560 minute orders on apparel were made by the university, and in 1578 and 1585 fresh orders were issued at the chancellor's instance.⁶⁰ By the Cambridge orders of 1585 heads and officials refusing to enforce the regulations were to be fined by the vice-chancellor. The university was, in fact, proving as intractable as the country at large, and the main difficulty in the one case as in the other was the supineness of the authorities. At Oxford statutes to regulate dress were passed in 1564 and 1576, showing that the passion for finery had broken loose there as ungovernably as at Cambridge. Leicester, the chancellor, writing in 1583 on the state of discipline at that date, contrasts it unfavourably with that which prevailed at the beginning of the reign. The demoralization which Leicester deploras was attributable in part to his own slackness of authority, for which he was roundly rated by the queen. As a consequence of this rating he made representations to the university calling for the reform of abuses, upon which steps were taken to effect an improvement.⁶¹ His successors, Hatton and Buckhurst, displayed some of the energy which he had lacked,⁶² but with discouraging results, though according to Wood from about 1594 'discipline became much refined and virtue increased', the only flaw in the picture in his sight being the puritan contumacy over the vestments.⁶³

⁶⁰ Cooper, *Annals of Cambridge*, ii. 161-2, 360, 410-15. For other occasions on which Burghley intervened see *ibid.* ii. 217 *seq.*, 306, 346 (two fellows committed to the Gatehouse prison), 447-8, 455-6.

⁶¹ Wood, *History and Antiquities of the University of Oxford*, ii. i. 219-21.

⁶² Strype, *Whitgift*, pp. 610-11; Wood, pp. 236-7, 240, 241-5, 248.

⁶³ Wood, pp. 258-9.

The Inns of Court and Chancery were another sphere in which special sumptuary regulations were multiplied to little purpose. Nowhere, probably, outside the court were manners looser and foppery more extravagant. It had become the recognized fashion for the sons of the *nouveaux riches* to finish their education with a smattering of law, and to rub shoulders with the sons of the aristocracy, the too common result being that the study of Littleton and attendance at moots were exchanged for the pleasures of the ordinary and the bear garden.⁶⁴ The acts of apparel applied with some exemptions to members and students of the Inns; the proclamation of 1562 refers to the great disorders abounding in those institutions and marks them out for reform. In 1546 the Inner Temple ordered a reformation in apparel among its members and forbade long beards; ⁶⁵ while under Mary and Elizabeth similar orders applicable to the Inns of Court collectively or individually came out in increasing volume.⁶⁶ The regulations seem to have been even less regarded than those set at the universities, and their repetition served but to emphasize the growing divergence between rule and conduct.

Outside London and the universities, little activity was shown to enforce the dress régime. Here and there offenders were occasionally presented or prosecuted for infringing the statutes, and a few provincial towns framed by-laws relating to apparel.⁶⁷ But with these stray exceptions the utmost supineness appears to have prevailed, in spite of the repeated and urgent exhortations contained in the proclamations, and the baits held out to informers.

If the sumptuary acts and proclamations did not contain so ample a confession of their own failure, yet the contemporary extrinsic evidence would be sufficient to tell of their indifferent success. Latimer, preaching in 1552, after alluding to the prevalent excess in apparel and aping of one class by another, says, 'There be lawes made and certaine statutes, how every one in his estate shall be apparelled but God knoweth the statutes are not put in execution.'⁶⁸ We have seen how Ascham in his day deplored the widespread disorder of apparel, and the defiance of

⁶⁴ In 1559 it was proposed that no one should be admitted to the law unless descended from a nobleman or gentleman: *Lord Salisbury's MSS. (Hist. MSS. Comm.)*, i. 163, no. 9.

⁶⁵ Dugdale, *Origines Juridicales*, p. 148.

⁶⁶ Dugdale, *op. cit.* pp. 310-11, 312; *Middle Temple Records*, i. 111-12, 269; *Calendar of Inner Temple Records*, i. *passim*.

⁶⁷ *Southampton Court Leet Records* (ed. Hearnshaw), i. i. 161; presentments (*inter alia*) of 98 offenders against the statute of apparel. For by-laws on apparel, see R. H. Morris, *Chester*, pp. 375-6; Tickell, *History of Kingston-upon-Hull*, pp. 241-2; Poulson, *Beverlac*, p. 324; Welford, *History of Newcastle and Gateshead*, ii. 310; iii. 159 (by-laws for apprentices). School statutes sometimes touch on apparel: Foster Watson, *The English Grammar Schools to 1660*, pp. 127, 130, 131.

⁶⁸ Latimer, *Sermons* (ed. 1635), p. 233.

law extending from the court to the meanest ruffian. Later writers emphasize the mischief,⁶⁹ and foreign observers who visited the country in the last decades of the century are no less explicit on the finery of native attire, and remark with evident astonishment upon the inconstancy of taste that made England a veritable weather-cock of fashion.⁷⁰

Perhaps the strangest episode in the history of the acts of apparel was their sudden and final disappearance in 1604, a century or more before such laws disappeared in other countries.⁷¹ The act of repeal appears on the statute book as a single section⁷² of a lengthy rescinding enactment. The account contained in the parliamentary journals of the events leading up to the repeal is too laconic and fragmentary to enable one to speak with certainty of the precise course of affairs, but so far as can be gathered and conjectured what happened was as follows. On 24 March 1604 a bill, presumably a government measure, was introduced in the commons containing a repeal of all existing statutes touching apparel, including, apparently, those relating to the wearing of woollen caps, and enabling the king to regulate dress by proclamation in the manner customary under Elizabeth. It was almost as unusual at that time as it is to-day for a bill to be challenged on its first reading; but so strong was the opposition excited by the proposal empowering regulations by proclamation that a division was taken on which the bill was rejected by a majority of fifty.⁷³ On 4 April in the same year another bill, 'restraining the excessive wearing of Cloth of Gold, cloth of Silver, and Gold & Silver Lace, & Embroideries', was introduced in the commons and in due course passed its third reading in both houses, but was not proceeded with.⁷⁴ In its place, a new bill with the same title was introduced in the lords on 14 May, passed its third reading, and was sent to the commons on the 19th of that month.⁷⁵ There it came on for its third reading on 22 June and led to a protracted debate, which was adjourned till the following day. On that day the bill, after further debate, was allowed to pass 'especially

⁶⁹ Cf. T. Nashe, *Christ's Teares over Jerusalem* (1593), *Works* (ed. McKerrow), ii. 142; T. Lodge, *Wits Miserie* (1596), in *Works* (ed. Hunterian Club), iv. 14. Lodge in his *Reply to Gosson's Schoole of Abuse*, twitting his opponent on his plagiarisms, says, 'As for the Statute of Apparell & the abuses thereof, I see it manifestly broken': *Works*, i. 44; Stubbes, *op. cit.* i. 44-5.

⁷⁰ Rye, *England as seen by Foreigners*, p. 71; cf. Harrison, *Description of England* (ed. Furnivall), i. 168-9; Stubbes, *op. cit.*, i. 32.

⁷¹ In Spain they continued till the second half of the eighteenth century: Hume, *The Year After the Armada, &c.*, p. 259. Several acts of apparel were passed in Scotland under Charles II, and one appeared as late as 1698: *Acts of Parliament of Scotland*, x. 150.

⁷² 1 James I, cap. 25, sect. 7.

⁷³ *Commons' Journals*, i. 152.

⁷⁴ *Ibid.* i. 166, 942, 953; *Lords' Journals*, ii. 284, 291.

⁷⁵ *Ibid.* ii. 298, 301.

for this reason, for that it repealeth all former laws touching apparel'.⁷⁶ We have here, I think, sufficient data from which to conjecture the course adopted by the government. The bill rejected in the commons was introduced in the lords, with or without the clause which provoked its defeat in the lower house, and passed through all its stages. The government, then or before, decided to yield to the opposition, and introduced a fresh repealing bill from which the obnoxious clause was omitted, but bearing the same title, which in view of the omission had, of course, become a misnomer. This bill passed safely, though not without considerable debate and some opposition in the commons, through all its stages and was incorporated in the Act 1, James I, cap. 25.

The sudden repeal of the sumptuary laws seems attributable, therefore, solely to opposition excited on constitutional grounds and not to any perception of their futility or to any reaction in sumptuary feeling. The resentment of the commons at the king's claims to legislate by proclamation—a resentment which came to a head in their petition for grievances presented in 1610⁷⁷—had already been aroused by his attempt to dictate the qualifications of candidates in the proclamation summoning his first parliament, and nearly led to a collision between the house and the king in Goodwin's case. Naturally, therefore, they viewed with extreme suspicion a bill giving him entire freedom to regulate dress by proclamation, and James, bowing apparently to this feeling, outwardly yielded the point. Several attempts were made in this and subsequent reigns to revive sumptuary legislation, and although the bills embodying these attempts never became law the debates upon them show that the age-long belief that dress was a legitimate topic for state regulation had lost little of its old sway.⁷⁸ Sumptuary feeling, indeed, survived and permeated social opinion for generations to come; and Blackstone, writing late in the next century, expresses with graceful lucidity the pyramid view of society and the constitutional importance of the distinctions in ranks and honours.⁷⁹

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⁷⁶ *Commons' Journals*, i. 245, 979.

⁷⁷ As a result of the petition James withdrew several proclamations already issued: Steele, *Catalogue of Tudor and Stuart Proclamations*, i, pp. xciii and xciv, n. 6. A proclamation 'for the wearing of Woollen Clothes' dated 27 December 1616, was suppressed before publication: *ibid.* no. 1189.

⁷⁸ Cf. *Commons' Journals*, i. 463-4, 523, 584; *Lords' Journals*, iii. 712, xii. 228.

⁷⁹ *Commentaries* (1776), iv. i.

Notes and Documents

On Some Unpublished Poems attributed to Alexander Neckam

THE manuscript numbered Latin 11867 of the Bibliothèque Nationale of Paris has been summarily described by Delisle.¹ It is a parchment volume written by several scribes, probably Englishmen, at the end of the thirteenth century. It was formerly number 376 of the fonds Saint-Germain-des-Prés, but its ultimate provenance is unknown. I print below a number of unpublished Latin poems which occur on folios 214b to 216b of this manuscript. Before, however, proceeding to the reproduction of these texts, it is necessary to offer some preliminary remarks on the subject of each poem.

I. This poem in 26 leonine hexameters² has for its subject the praise of wine. In our manuscript it immediately follows the *Laus Sapientie Divine* of Neckam, to whom it was attributed by Bale, Fabricius, Tanner, and lastly Hauréau.³ This attribu-

¹ *Bibl. de l'École des Chartes*, 6^e série, 1865, i. 209. Folios 1-183 have been studied by Hampe (*Sitzungsber. der Heidelberger Akad., philos.-hist. Kl.*, 1910, Abh. 8, pp. 4-9); Hilka and Söderhjelm (*Acta Soc. Scient. Fennicae*, 38, no. 4, 1911, p. iii), and Stalzer (*Jahresbericht des k. k. Staats-Realgymn. in Graz*, 1912, p. 3) have collated fo. 184-9b. Fo. 189b-231b are dealt with in the present paper and appendix to it. For other poems scattered through the volume see Du Méril (*Poésies inédites du Moyen Âge*, 1854, pp. 170, 303), Hauréau (*Notices et Extraits*, xxix. ii, 1880, 266, 272; xxxii. i, 1886, 273, 281, 290, 299, 312), and Hervieux (*Les Fabulistes latins, Avianus*, 1894, p. 232). The greater part of the letter on fo. 240b has been printed by M. Paul Meyer (*Notices et Extraits*, xxxv. ii, 1897, 657). On pp. 641-3 of this valuable memoir M. Meyer gives us an account of practically everything that is known about Neckam, or, as we should perhaps write, Nequam, the spelling of all the best manuscripts. See further Ward (*Catal. of Romances in the British Museum*, 1893, ii. 347-51), Féret (*La Faculté de Théologie de Paris au Moyen Âge*, 1894, i. 269-75), Hauréau (*Histoire de la Philosophie scolastique*, 1880, vol. ii, part i, pp. 62-5), Haskins (*Harvard Studies in Classical Philology*, 20, 1909, pp. 79 *seqq.*), and *English Hist. Rev.*, 1915, xxx. 68-9), and Victor Mortet (*Mélanges d'Histoire offerts à M. Charles Bémont*, 1913, p. 120). Mortet justly observes that Neckam is 'an author still too little known', and that 'his writings have as yet been insufficiently studied'. On the date of his death (1217) see a valuable note by Baeumker (*Sitzungsber. der phil.-hist. Classe der k. Bayerischen Akad.*, 1913, Abh. 9, p. 28). Some amusing stories are told about Neckam in the *Speculum Laicorum* and in another thirteenth-century collection of *Exempla* (cf. Herbert, *Catal. of Romances*, iii. 1910, 397, 497, 699).

² Of the type called *Unisoni* (W. Meyer, *Gesammelte Abhandlungen zur mittel-lateinischen Rhythmik*, 1905, i. 84).

³ *Nouvelle Biographie générale*, 37, 1863, col. 571, art. Neckam.

tion had been previously denied by Du Ménil⁴ because of 'l'esprit si peu digne d'un homme grave et des recherches de versification rythmique, qui sont bien étrangers à tout ce que nous savons de la vie et des œuvres authentiques de Neckam'. It is, however, confirmed by a Cambridge manuscript of which a partial description follows⁵:

University Library, Gg. 6. 42, vellum, cent. xiii :

fo. 223a : *Magistri Alexandri domino T. abbati Claudie*.⁶ Then twenty rhythmical verses, *Munus, sed munusculum, tibi mitto, Thoma, . . . Recreent, ut celicum sentias aroma*.

fo. 223b : *Versus magistri Alexandri Nequam de Vino. Liber Primus. Dum corpus curas studeas subducere curas*. This is our number I. Then follow in the same order our numbers II, III, IV, and V.

fo. 225b : *Liber Secundus de Commendatione Vini. Rursus, Bache, tuas laudes describo libenter*. See number VI.

fo. 228a : *Liber Tercius de Commendatione Vini. Nobilis est potus, me iudice, nobile uinum*. See number VIII.

II. Same subject and same versification. At the end of the first line in the margins of both manuscripts (which I designate C and P), there appears the name *Serlo*. Now there were certainly two poets of this name,⁷ and to one of them, Serlo of Wilton, Hauréau⁸ attributed our poem. Seeing, however, that C on fo. 223b gives Neckam as the author, we may well hesitate to accept his conjecture.

In the sixth verse we have a reference to the poet Primas of Orleans, *tunc uersificor quasi Primas*. This writer, who flourished about 1142, has been made the subject of admirable researches by Delisle, Hauréau, Paul Meyer, and Wilhelm Meyer.⁹

III. Same subject and versification. The reference to *Kambria* in line 2 may be noted.

IV. Same subject. A mixture of rhythmical (*Unisoni*) and ordinary hexameters. Some remarkable resemblances to lines in the *Laus Sapientie* may be noted, and the abundance of classical reminiscences might be invoked as confirmation of Neckam's authorship.¹⁰

⁴ *Poésies inédites du Moyen Âge*, 1854, p. 170.

⁵ That given in the printed *Catalogue* (1858, iii. 233) and reproduced in part by Hervieux (*Avianus*, pp. 233-4) is inaccurate, the date being given as saec. xv.

⁶ i. e. *Claudiocestris* (Gloucester).

⁷ Cf. Paul Meyer (*Documents manuscrits de l'ancienne Littérature de la France*, 1871, pp. 139, 168, and *Notices et Extraits*, xxxv. ii, 1897, 667 n.); Wright (*Anglo-Latin Satirical Poets*, 1872, ii. 208, 232); Hauréau (*Notices et Extraits*, xxix. ii, 1880, 233, 319, 334).

⁸ *Loc. cit.*, p. 260 n.

⁹ See the last-named writer in *Nachrichten der Ges. zu Göttingen, phil.-hist. Kl.*, 1907, pp. 75, 113, 231, and Alfredo Stracali (*I Goliardi*, Firenze, 1880, p. 72).

¹⁰ On Neckam's knowledge of classical antiquity see Robinson Ellis (*Journal of Philology*, 1886, xv. 246-8, and *American Journal of Philology*, 1889, x. 159-62);

V. Same subject. Hexameters (*Caudati*).¹¹

That numbers I to V and the various poems in VI and VIII are the work of Alexander Neckam seems to me highly probable.¹² As for number VII, we can be positive in assigning it to Neckam. It is an elegiac poem in 127 lines occurring only in the Paris MS., in which, curiously enough, it was copied twice. The first copy (fo. 216a), which we reproduce, is entitled *Metrice Corrogaciones Noui Promothei*.¹³ In language and versification¹⁴ this poem shows a close relationship to the *Laus Sapiencie*, which occurs under Neckam's name on fo. 189b-214b of our manuscript, and which must have been composed in 1211.¹⁵ Before this date Neckam had written a prose treatise on grammatical and Biblical matters to which he gave the strange title of *Corrogaciones Promethei*, the meaning of which was happily explained by M. Paul Meyer.¹⁶

The subject of our poem is highly obscure. Neckam would appear to be laying down the general considerations which ought to guide the conduct of one who intends to become an abbot.¹⁷

M. ESPOSITO.

fo. 214 b, col. 1 to col. 2.

I

Cum corpus curas studeas subducere curas.
Vexatus cur es curis ? Corpus bene cures
Si corpus laute recreas. Hoc dico leaute :
Qui burse parcit uentrem crebro male facit.

I. 1 See *Laus Sapiencie*, x, 169 (ed. Wright, 1863, p. 500).
word is not in the dictionaries (Forcellini, Du Cange).

3 leaute] This

Traube (*Berliner philologische Wochenschrift*, 1898, cols. 1068-70); Sandys (*Hist. of Class. Schol.*, 2nd ed., 1906, i. 548, 558).

¹¹ Meyer, *Gesamm. Abhandl.*, i. 82.

¹² It may be remarked that Neckam shows his interest in wine in the *De Nominibus Utensilium* (ed. Wright, *Vol. of Vocab.*, pp. 102-3), and *Laus Sapiencie* (iv. 440-65, ed. Wright, pp. 430-1).

¹³ The rubric of the second copy (fo. 231 b) has, instead of *Corrogaciones, Prorogaciones*.

¹⁴ Neckam's verse-technique shows the usual characteristics of medieval Latin poetry, e. g. frequent lengthening of short syllables in *arsi* and false quantities in Greek words (*alithia, philosophia, sinodoche*).

¹⁵ This date is established by the mention (v. 442-58, ed. Wright, p. 450) of Toulouse as being the last stronghold of the Albigeois heretics and then undergoing a siege. It was in 1211 that the count of Montfort laid siege to the city.

¹⁶ *Notices et Extraits*, 35, ii. 650-3.

¹⁷ On the disease called *noli-me-tangere* mentioned by Neckam in line 123 see Wright (*The Latin Poems of Walter Mapes*, Camden Soc., 1841, p. 122 n.). That Neckam intended his poem to be obscure appears from line 41, *Misticus interius late intellectus*. Verses 111-20 bear a remarkable resemblance to a short poem (no. LXV) printed among the *Carmina Miscellanea* attributed to Hildebert of Le Mans (*Migne, Patrol. Lat.*, 171, 1410, and Hauréau, *Notices et Extraits*, xxviii. ii, 1878, 336), and entitled *De Virgibus Variantibus Iacob*.

Qui parcit burse fatis tradi patitur se. 5
 Dum iocundatur corpus mens deliciatur.
 Felix est hora qua rex lauat interiora.
 Nobilis ille deus qui dicitur esse Lieus,
 Qui cyatos lutres amplos uteros facit utres.
 Mens sibi blanditur quociens caro sic sepelitur ; 10
 Ebria sedatur mens, ebria philosophatur ;
 Mens est plena deo si sit caro plena Lieo.
 Vix bene stat stomacho nisi plena sit amphora Bacho.
 Cum stomacho bene stat mox membris gaudia prestat.
 Cum gaudet uenter ludit natura potenter. 15
 Cum uenter gaudet plus Cesare Greculus audet ;
 Philosophis dispar tunc uero es, Grecule, diis par.
 Ventre renitente regnabunt gaudia mente.
 Quis, loquor, absque mero pinguem sompnum dabit Hero
 Vel quis Alexandro, merenti siue Leandro ? 20
 Sompno repente, ui Bachi magna repente
 Pax aderit, letus sopor hic est atque quietus.
 Celesti rore perfundor quando liquore
 Vtor diuino, certo uite duce uino.
 Ne desit uita cum unum sit tibi uita. 25
 Nascitur ex uite communis gloria uite.

fo. 214 b, col. 2.

II

Vina libens libo, tunc audax carmina scribo. Serlo.
 Sumens uina bibo, producte deinde relibo.
 Vix numquam rebibo, uix Bachi pocula libo.
 Cum uinum potō congaudeo corpore toto.
 Cum uinum potō faciem lauo corpore loto. 5
 Tunc fundo lacrimas, tunc uersificor quasi Primas.
 Tunc fundo lacrimas, tunc laudes uendico primas.
 Tunc fundo lacrimas, miserere precor deus imas.
 Tunc fundo lacrimas, mens laudes respuit imas.
 Tunc lacrimas fundo, psallens loquor ore rotundo. 10
 Tunc lacrimas fundo ridens ludensque secundo.
 Tunc lacrimas fundo ridens ridensque secundo.
 Tunc lacrimas fundo, guttas quas potō refundo.
 Tunc lacrimas fundo, tunc pugno pectora tundo.
 Tunc lacrimas fundo, tunc do conuicia mundo. 15
 Tunc lacrimas fundo, lacrimas tunc crimina mundo.
 Tunc lacrimas fundo, munda est mens corpore mundo.
 Tunc lacrimas fundo gemitus dans corde profundo.

19 *Hero*] sic C, hetero P.

II. 1 *Serlo*] This name appears thus in both the manuscripts. In C it is followed by three lines : *Et bene sit dedecus et longum decus amicus. | Hostibus eueniat dedecus atque decus. | In nobis amor. In reliquis sit amor.* 2 *relibo*] Sic conicio ; codd. *rebibo*. The verb *relibo* is not in the dictionaries.

fo. 214 b, col. 2.

III

Commendo uinum,	commendet nauita pinum.	
Commendo uinum,	commendet Kambria sinum.	
Commendo uinum,	commendet Grecia Linum.	
Vinum commendo,	pro uino cetera uendo.	
Vinum commendo	maiorum uota sequendo.	5
Vinum commendo,	sic philosophorque bibendo.	
Vinum commendo,	grates tibi Christe rependo.	
Vinum commendo,	nec leue merum reprehendo.	
Vinum commendo,	quo tendit mens ego tendo ;	
Exoptatque caro	uinum non sumere raro.	10

fo. 214 b, col. 2 to fo. 215 a, col. 1.

IV

Sic commendo merum,	commendet gratia uerum.	
Quid commendo merum ?	laus est et gloria rerum.	
Humano generi prebet	solacia leta.	
Grato successu dat	tempora nostra quieta.	
Bachus leticie	pater est, dux philosophie.	5
Exacuit lumen,	senio quoque prebet acumen.	
Si desit mense	Bachus transuerberor ense.	
Tunc domus effulget	cum uino mensa refulget.	
Quis domui presit	si Bachi gratia desit ?	
Curia celestis	sine Bacho sit tibi pestis.	10
Aulam pro caula	reputes nisi ludit in aula	
Ille puer sine quo	Cypris fit mestior equo.	
Iupiter exultat	cum Bachum ludere cernat,	
Reicit Alcynoi Cereris	quoque pocula spernit.	
(fo. 215 a)	Conqueritur mater pietatis deficiente	15
Vino.	Gaudia mox ueniunt uino ueniente.	
Gaudia fugerunt nato	Iouis effugiente ;	
Sed dolor aufugit uino	ueniente repente.	
Iesus dans uinum	letum facit architrichinum.	
Gaudent conuiue ;	uini dator optime uiue.	20
Vita diu uiuat undam	que fundere uinum	
Iussit, quo letum	subito scis architriclinum.	
Vita quid est ? uitis.	Quid uitis ? Vita licebit.	
Ergo merum fructum	uite dare nonne licebit ?	
An liceat quero ?	Respondes, immo licebit.	25
Rursum nonne deus	uitis deus ergo Lieus ?	
Namque dei natus	deus est, liquor ergo beatus.	
Est uinum uite	fructus quem do sine lite.	
Ergo deum uite	dare Bachum censeo rite.	
Munus diuinum	nouerunt numina uinum,	30
Sed uerum numen	est mense gloria lumen.	

III. 2 *Kambria*] Sic C, *bramberia* P. 2 *sinum*] In the margin of C this word is thus explained: *Vas est simile mulctre.*

IV. 1 *Sic*] *si* C. 12 *equo*] Sic C, *cauo* P. 20 *dator*] Sic C, *ditor* P. 27 *beatus*] Sic C, *uerus* P.

Agmine seruorum dicitur mensa deorum.
 Cultus pauper erit si Bachi gloria deerit.
 Pro Bachi uultu de mense iudico cultu.
 Bache, decus mundi, terrarum mira potestas, 35
 Gentes das letas sub diro principe mestas,
 Vincis uictrices regum, uincisque tyrannos,
 Vincis pontifices. Leto michi da precor annos.
 Leticie mater uitis, lignumque salutis,
 Dat timidis animos, dat facundissima mutis 40
 Ora, pigris alas, Codro dat cornua, clarum
 Tersitem reddit, in largum mutat auarum.
 In digitis rutilans aurum tunc disputat, audet
 Fulgens gemma loqui, ludens tunc dextera gaudet.
 Complosis manibus plaudis pede, gratule, iuras 45
 Alter Aristotiles es, sed, te iudice, curas
 Et studium ueterum spernis magnosque labores.
 Cum tu subdideris modicas proprio studio res
 Diuitis es uene sic, sed, te iudice, flores
 Ingenio. Quid ni ? Sed fedi sunt tibi mores. 50
 Garris, obloqueris, musasque tumesque rebellis.
 Numquam deesse tibi poterit pars maxima fellis.
 Apposite dicis, allegas, Bache, peroras,
 Disseris, interdum res es proferre decoras.
 Seis quod Tullius es, Ysocrates, Quintillianus. 55
 Quamuis difficilis sit transitus, est tibi planus.
 Nosti quo cuncte tendant finaliter artes,
 Sed dedignaris prout ars iubet edere partes.
 Demulces superos, reges, clerum quoque. Queque
 Relligio tibi se prebet noctuque dieque. 60
 Seis quod Cyrra fuit Nyse coniuncta sophia.
 Suspirat Bachum cui seruit philosophia.
 Vertex Parnasi, Nisee, tibi placet. Ha ! Si
 Anglia Parnaso quondam sociata fuisset,
 Anglia Cirreum Cirra melius coluisset. 65

fo. 215 a, col. 1.

V

Cur studium florens olim regnauit Athenis ?
 Causa fuit botris generoso germine plenis
 Vineae plena, merum studium conservat in esse.¹
 Vt studeam, unum cupio michi semper adesse.
 Hoc mihi solamen numquam desit, precor. Amen. 5

36 *diro*] Sic C, *dito* P. 39 Compare *Laus Sapiencie*, viii. 25, 31-3 *Matris laetitiae, generosae gloria uitis . . . Vitis dat vitam, quia vinum uita ; salutem Et das et seruas, deliciose liquor. Laetam nobilitat mensam praesentia uini* (ed. Wright, 1863, p. 482). 65 *Cirreum Cirra*] Sic C, *aricum arta* P.

¹ Cf. Neckam, *Laus Sapiencie*, i. 31 (ed. Wright, 1863, p. 357) *Omnia disponit, regit, et conservat in esse*. On this use of *esse* see Du Cange (s.v.).

fo. 215 a-216a.

VI

fo. 215 a, col. 1 to 215 b, col. 1 : An elegiac poem in 78 verses :

Rursus, Bache, tuas laudes describo libenter,
 Nec uereor laudis prodigus esse tue, etc. . . .
 Demulcens oculos pascit uterque meos.

fo. 215 b, col. 1, ll. 10-41 : 32 verses :

Laude mea Bachum maiorem censeo. Tanti, etc. . . .

ll. 42-5 : Agmine stellarum multo uarioque refulget . . .

ll. 46-53 : Tempore quo regnat Bromius productior extat . . .

l. 54-col. 2, l. 4 : 14 verses :

Dum recreat placido mea membra liquore Lieus . . .

ll. 5-18 : Sed me fata uocant, mors astat pallida presens . . .

ll. 19-36 : In sex etates mundus distinguitur. At quid . . .

ll. 37-8 : Lector crede mihi quod si Bachum reprehendam . . .

ll. 39-42 : 4 verses :

Dulce Verolamium linquo recessurus.
 Linquere uix dixerim cum sim reuersurus.
 Quis tamen recedens est reditus securus ?
 Succubuit uictus undis etiam Palinurus.²

ll. 43-7 : Delirat et desipit quippe iam senescit . . .

ll. 48-60 : Dominantur uicia, chimerantur³ mores . . .

fo. 216 a, col. 1, ll. 1-4 : 10 (?) rhythmical verses :

Langueo sed pereor dum amoris sed furoris sanctor
 Sed crucior celo sed tormento.⁴
 Inopes diuitias admonet ne sitias Crassi mors tam nota
 Quod casus sit facilis testatur uolubilis Ixionis rota.

ll. 5-20 : 16 verses :

Qualiter Anglorum possem describere gentem
 Sepe michi dubiam traxit sententia mentem.
 Sunt in amicitie percusso federe ueri.
 Non minor est uirtus quam querere parca tueri.
 Quid sit auaricie pestis gens Anglica nescit. 5
 Crescit amor dandi quantum pecunia crescit.
 Etas prima studet dare, large dando uirescit.
 Sincerum est nisi uas quodcumque infundis accessit.⁵
 Lautior est illis cum mensa diuite cultus.
 Accedunt semper hilares super omnia uultus. 10
 Non ibi Damethas pauper dicit Melibeo :
 In cratere meo Thetis est sociata Lieo.⁶

² This epigram may well be a composition by Neckam, who is known to have been born at Verolamium (St. Albans).

³ Sic cod.

⁴ Sic cod.

⁵ Sic cod.

⁶ *In cratere meo Thetis est sociata Lieo*] The first line of a well-known poem by Primas, no. xiv in the edition given by W. Meyer (*Nachrichten der K. Gesellsch. der Wiss. zu Göttingen, phil.-hist. Kl.*, 1907, p. 149).

Gratius ingenium datur hiis et gratia morum.
 Sic norunt quam sit dulcis mixtura bonorum.
 Anglica ne cures gens queuis inuida genti
 Summa petit liuor, perflant altissima uenti.⁷ 15

VII

fo. 216 a, col. 1, l. 21 to 216 b, col. 1, l. 23.

Incipiunt Metrice Corrogaciones Noui Promothei.

Induet abbatem qui plus optabit amari
 Quam metui ; regnet hinc amor, inde metus.
 Immo regnet amor, cuius timor assecla fidus,
 Quo precedet amor tramite, carpat iter. 5
 Predominetur amor, uestigia cuius adheret,
 Expers horroris inuidieque timor.
 Ergo relegetur procul indignatio leui
 Subditus affata conueniendus erit.
 Alloquio dulci compescitur impetus ire.
 Nota loquor. Verbis conciliatur amor. 10
 Mellifluo sermone dolor sedatur acerbus.
 Lingua procax pacis esse nouerca solet.
 Tercia lingua nocens dissoluit fedus amoris,
 Suscitatur insidias, iurgia, bella, dolos ;
 Flamma uorax, letale malum, furor exitialis, 15
 Inficiens uirus, pernicioosa lues.
 Felix ille locus quo pacis crescit oliua,
 Regnat amor concors, gratia, uera fides.
 Quid tutum, quid iocundum, quid dulce probaras
 Si tibi defuerit tam sociale bonum ? 20
 Res socialis amor, res fida, quieta, benigna,
 Res patiens, res est nescia fraudis amor.
 Rectoris pectus confertur federis arche,
 Qua manne et tabulis addita uirga fuit.
 Dulcor inest manne, sed cum candore nitenti. 25
 Rectorem mundum precipit esse nitor ;
 Dulcedo mitem, discretum uirga, scientem
 Esse mouent tabule. Cautius ista notes.
 Ergo per uirgam sit designata potestas,
 Floreat et fructum prebeat illa tuis. 30
 Flos specie uisum recreat, delectat odore
 Olfactum, fructus utilitatis erit.
 Nec tamen errabis tibi si correptio lenis
 Virga sit, ha ! fructu sepius illa caret.

VII. 3 Compare *Laus Sapiencie*, x. 197-200 (ed. Wright, p. 500). 12 See *Laus Sapiencie*, ii. 541 ; ix. 4 (ed. Wright, pp. 385, 486). 19 *probaras*] Sic conicio ; *probatas* cod. 31 See *Laus Sapiencie*, v. 931-50 (ed. Wright, p. 462).

⁷ Ovid, *Remedia Amoris*, 369.

Dii bene ! Si fructum prestat correptio talis ; Si se discipulum subditus esse probet, Iocundus tibi fructus erit correptio morum. At spes profectus gloria floris erit.	35
Inscriptas gemina facie venerare tabellas Exterius sensus historialis erit, Misticus interius latet intellectus, at in se Aurea celestem continet urna cibum. Auro signatur rutilans sapientia fuluo, Et uineum dulci manna sapore placet.	40
O cum dulcoris comes est sapientia, dulcis Ista sit et placidus est utriusque sapor ; Et tabulas manne cum uirga iunge decenter. Si uirgam sumis utile manna putes.	45
Corripis errantes, sed pectore manna reserua. Abscedat numquam pectore manna tuo. Sed res exposcit grauius punire rebellem. Debita iusticie reddere iura licet.	50
In facie sedeat mestus pro tempore terror, Et seuas, si res postulat, adde minas. Corde tamen regnent amor et patientia uictrix, Et semper fratri conpatiari tuo.	55
Sepe manus grauis est tranquillo pectore. Sed quid ? Semper suspectus impetus esse solet. Semper ama, semper animi rancore remisso, Leniter errorem sepe fugare potes.	60
Insurgat Dathan, uigilia compesce furorem. Vix tantum facinus dissimulare licet, Et pro censura tellus absorbeat illum Carcere decenter, carceris ima petat.	65
Impatiens animus numquam scit dissimulare. Semper dissimulans mente pusillus erit. Frontosus iuuenis ad turpia pronus oberrans, Sponte nocens cunctis, deteriora sequens,	70
Asperius tractandus erit si non respiscit, Vt meritum cause sentiat ipse sue. Iudicis est causas moderari dum modo numquam Liuor uindictae det noua iura reo.	75
Zelus iusticie iusto moderamine leges Dirigat, et gratis publica iura colat. Iusticie comes assistat clementia, quamuis Committat facinus exitiale reus.	80
Materiam turpem breuiter pertranseo. Quando Causa pudenda forum iudiciale subit, Si queo, dissimulo, si non, rem differo, si non Causam prudenter attenuare libet.	80
Si uero tabulas uirge sociaueris apte Florida dans fructum uita regentis erit.	

	Informat populi preclara scientia mores.	
	Ignea celestis pagina corda cibant.	
	Igne nouo nutritur amor, deuotio feruet.	85
	Ignitum pectus ignea uerba dabit.	
	Subditus igne nouo succensus gaudia ducet,	
	Si sint doctoris ignea uerba sui.	
	Ire, luxurie, uetus ignis ab igne recenti	
	Extinguetur, abit estus, auare, tuus.	90
	Sermo diuinus penetratur, suadet honesta,	
	Turpia dissuadet turpia turpe sequi,	
	Errores perimit, subiectos moribus ornat.	
	Tam placidus menti uix cibus ullus erit.	
	Sic alethia gregem cythara demulcet, et esus	95
	Inmemorem soliti dulcior esus alit.	
	Sic Daudid insani pectus lenire tyranni	
	Nouit, et abscessit pristinus ille furor.	
	Sermo potens perimit Veneris male dulce uenenum,	
	Discordes fedus pacis inire iubet,	100
	Vitrea consolidat, emollit saxea corda,	
	Inscribit calamo mollia corda suo,	
	Queque prius fuerant carnalia carnea reddit.	
	Sermo caro factus carnea corda facit.	
(fo. 216 b)	Sermo patris, sermo regalis, sermo realis,	105
	Est caro, sinodoche nota figura subest.	
	Sermo sermonem prebet, sapiencia sensum.	
	Leua fugat, prestat dextera, dextera patris.	
	Instruat ergo suos re, uerbo, doctor, ab oris	
	Eius procedant mellica uerba, faue.	110
	Vtilitas uerbis subsit. Doctrina fidelis	
	Delectat, sed plus utilitate iuuat.	
	Partem uirgarum Iacob decorticet alter ;	
	Fulgens, subducto cortice, candor erit ;	
	Altera pars primo maneat uestita uirore.	115
	Sic diuersicolor uirga docentis erit.	
	Interior sensus, candor, uiror historialis.	
	Discipulum doctor sedat utrumque suum.	
	Pars iterum nudata potest correptio dici ;	
	Cortex uelamen dissimulantis erit.	120
	Quamuis quedam sint tactus poscentia crebros,	
	Sunt que tractari uulnera sepe timent,	
	Est, medicí norunt, noli-me-tangere morbus	
	Huic similis ; morbus impatientis erit.	
	Vtilis est igitur correptio tempore facta.	125
	Tempore pax floret, tempore crescit amor,	
	Cum furor indignans facit excandescere uultum.	

85, 86 See *Laus Sapiencie*, v. 147 (ed. Wright, p. 443).
106 sinodoche = sýnecdoche.

104 *factus est* cod.

fo. 216 *seqq.*

VIII

fo. 216 b, col. 1, l. 24 to 217 a, col. 1, l. 11: An elegiac poem in 114 lines:

Nobilis est potus, me iudice, nobile uinum,
 Et letas facies cordaque leta facit . . .
 Curia, mensa potens, complexio leta, popina,
 Seruus, liber, eget numinis huius ope.

fo. 218 b, col. 1: Incipit supletio defectuum operis magistri Alexandri quod deseruit laudi sapientie diuine. Capitulum primum: ⁸

Ornatu uario mundus depingitur artis.
 Docta manus uarium nobilitauit opus.
 In rebus lucet artis preclara potestas.
 Tot rerum species condidit una manus.
 Qui uarias artes auctores fingere plures
 Vsurpas, uarios fingas in orbe deos,
 Fauste,⁹ tace. Rerum cunctarum est unicus auctor.
 Ars est una. Manus unica, uera noys.¹⁰
 Materiam, formas, usyas,¹¹ sydera, celos,
 Rex regum iussu ducit in esse suo . . .

fo. 219 a, col. 2: Incipit secunda distinctio:

Precinui stellas, mare, fontes, flumina, pisces . . .

fo. 231 b, col. 1: The work ends thus:

Exempli lux finalis, color iste decenter
 Compositus, finem principiumque tenet.

APPENDIX

It is surprising that in modern times no one should have thought of drawing up a list of all the works of Neckam that have come down to us. The lists of his works given by Bale,¹ Fabricius,² and Tanner,³ are long since out of date. They are, moreover, incomplete and deficient in many details. The following index is probably also incomplete, and it may be inaccurate at times, for I have frequently had to depend for my information on catalogues of manuscripts which do not meet the requirements

⁸ This interesting work is a kind of supplement to the *Laus Sapientie*, and is one of Neckam's latest compositions. It must have been written between the years 1211 and 1217. A few verses from it were cited by Du Méril (*Poésies inédites*, 1854, p. 170), and one by Renan (*Revue Celtique*, 1870-2, i. 265-6).

⁹ In the *Laus Sapientie* Neckam frequently attacks the doctrines of the heretic Faustus (cf. v. 451, ed. Wright, p. 450).

¹⁰ *Noys* (*vois*) is so used in *Laus Sap.*, iv. 257 (ed. p. 426). Neckam is apparently drawing from the *De Mundi Vniuersitate* of Bernard Silvester (ed. Barach, Innsbruck, 1876, pp. 5, 7, &c.), which he cites by name in *De Nat. Rer.*, ii. 129 (ed. Wright, p. 211).

¹¹ i. e. *oúoiás*. Bernard Silvester (ed. Barach, pp. 7, 60, 61) uses the word.

¹ *Index Britanniae Scriptorum*, ed. Poole, 1902, pp. 23-7.

² *Bibl. Lat. Med. Aet.*, ed. Florence, 1858, i. 62-3.

³ *Bibl. Brit.-Hib.*, 1748, pp. xxvi, 540-1.

of present-day studies. It is hoped, however, that it may prove of assistance to those who would undertake a more systematic and complete investigation of the literary remains of the indefatigable Alexander of St. Albans.⁴

A. WORKS ALREADY PRINTED

1. *Novus Aesopus*. Editions: Robert (*Fables inédites des XII^e, XIII^e et XIV^e siècles*, t. i, Paris, 1825, pp. 109 *seqq.*), an incomplete edition; Du Méril (*Poésies inédites du Moyen Âge*, 1854, pp. 169-212); Hervieux (*Les Fabulistes latins*, 2^e éd., 1893, i. 663-80, and 1894, ii. 392-416).⁵

Manuscripts: Berlin, Santen B. 4, fo. 43-7, written in France in 1449.

Edinburgh, Advocates' Library 18. 4. 9, s. xiii.⁶

London, Cotton, Vesp. B. xxiii, fo. 110b-118b, s. xv.⁷

Paris, Lat. 2904, s. xv; Lat. 8471, fo. 1-17, s. xiv.

2. *Novus Avianus*. Editions: Du Méril (*loc. cit.*, pp. 260-7); Froehner (*Aviani Fabulae*, Lipsiae, 1862, pp. 55-63); Hervieux (*loc. cit.*, *Avianus*, 1894, pp. 222-34, 462-7).

MSS.: Cambridge, University Library Gg. 6. 42, fo. 231b-233a, s. xiii.⁸

Paris, Lat. 11867, fo. 217b-218a, s. xiii.

3. *De Nominibus Utensilium?* Editions: Wright (*Volume of Vocabularies*, 1857, pp. 96-119, reprinted in 1882); Scheler (*Jahrbuch für romanische und englische Literatur*, 1866, vii. 60, 155).

Both these editions are very unsatisfactory (cf. Paul Meyer, *Revue Critique*, 1868, ii. 295, and *Romania*, 1907, xxxvi. 482-5; Mortet, *Mélanges Bémont*, 1913, p. 120). On classical citations in the treatise see Robinson Ellis (*American Journ. of Philol.*, 1889, x. 159-62).

MSS.: Besançon 534, fo. 35 *seqq.*, s. xiv.

Bruges 536, fo. 80-9, s. xiii; 546, fo. 1, s. xiii (a mere fragment).

Bury St. Edmunds, St. James's Parish Library J. 156, fo. 104-20, s. xiii.

Cambrai 969 (867).

Cambridge, Gonville and Caius Coll. 136, fo. 1-21, s. xiii.

Cambridge, Trinity Coll. 1337, fo. 122-35, s. xiii.

Dublin, Trinity Coll. D. 4. 9, fo. 26 and 157, s. xiii.⁹

Edinburgh, Advocates' Libr. 18. 4. 13, s. xviii.

Lincoln, Cathedral Libr. C. 5. 8, s. xiii.

London, Additional 8092, fo. 1-11b; Cotton, Titus D. xx, fo. 1 *seqq.*, s. xiv; Harley 683, fo. 12 *seqq.*

Oxford, Digby 37, fo. 121-34, s. xiii; Laud misc. 497, fo. 300-3, s. xiii; Rawlinson G. 96, pp. 177-96, s. xiii; Rawlinson G. 99, fo. 138-50, s. xiii.¹⁰

Oxford, St. John's Coll. 178, fo. 402-11, s. xiii.

Paris, Lat. 217, s. xvi; Lat. 7679, s. xv; Lat. 15171, fo. 176-95, s. xiii.

Paris, Bibl. Sainte-Genève 1210, fo. 70 *seqq.*, s. xiii.

⁴ I have not included in my lists the poems edited or dealt with above.

⁵ The *Novus Aesopus* was twice translated into old-French verse (cf. Hervieux, *loc. cit.*, i. 680-4).

⁶ This copy remained unknown to Hervieux though its existence had been pointed out by M. Paul Meyer in 1871 (*Documents manuscrits*, p. 105).

⁷ On this manuscript see Ward (*Catal. of Romances*, 1893, ii. 347-51).

⁸ Not s. xv as given by Hervieux.

⁹ Twice copied in this manuscript.

¹⁰ On this manuscript see the article of Ellis cited above.

Saint-Claude (Jura) 6, fo. 123 *seqq.*, s. xiii.

Vienna 12535, fo. 1-8, s. xiii.

Worcester, Cathedral Libr. Q. 50, fo. 5-18, s. xiii.¹¹

4. *De Naturis Rerum*. Edition: Wright (Rolls Series, 1863, pp. 1-354). This edition comprises only the first two books of the treatise. The last three, somewhat more than half of the work, consist of a detailed commentary on Ecclesiastes, and remain unpublished.

See Paul Meyer (*Romania*, 1897, xxvi. 98-100), and Beazley (*Dawn of Modern Geography*, 1906, iii. 508-9). Many stories from the work have found their way into collections of *Exempla* (cf. Meyer, *Notices et Extraits*, xxxiv. i, 1891, 401, and Herbert, *Catal. of Romances*, 1910, iii. 12, 122, 130, 164, 172, 174, 175, 278).

MSS.: Cambridge, Univ. Libr. Kk. 4. 5, pp. 293-477, s. xiv.

Cambridge, Trinity Coll. 951, fo. 154, s. xiii; 952, fo. 240, end of s. xii; 1232, fo. 169, s. xiii.

Durham, Cath. Libr., Hunter quarto 58, s. xiv, extracts only.

London, Cotton, Tib. A. xii, fo. 46-94. Very badly damaged in the fire of 1731.¹²

Only books iii-v of the treatise remain with the title *Super Ecclesiasten de Vanitate Humanae Fragilitatis*: Harley 3737, s. xiii; Reg. 12. F. xiv, s. xiii 12. G. xi, s. xiii.

Oxford, Bodley 487, extracts only, c. 1500.

Oxford, Corpus Christi Coll. 45, fo. 186, end of s. xii; 245, fo. 91, s. xv.

Oxford, Magdalen Coll. 139, fo. 137, s. xiii.

Oxford, St. John's Coll. 51, fo. 170, s. xiii.¹³

5. *Laus Sapientie Divine*. Edition: Wright (*loc. cit.*, pp. 357-503). Wright employed for this edition the single London MS., and Hervieux (*Avianus*, 1894, pp. 227-31) has shown that this manuscript is deficient in many places. The edition is thus of little value.¹⁴ See further Delisle (*Bull. de la Soc. des Antiquaires de France*, 1858, pp. 152-6); P. Meyer (*Notices et Extraits*, xxxv. ii, 1897, 678 n.). For classical citations in the work see Robinson Ellis¹⁵ (*Journ. of Philology*, 1886, xv. 246-8). Compare also notes by Hauréau (*Notices et Extraits*, xxviii. ii, 1878, 323, 417, 442), Graf (*Miti e Leggende del Medio Evo*, 1892, i. 210), and Coli (*Il Paradiso terrestre Dantesco*, 1897, p. 178).

MSS.: Cambridge, Gonville and Caius Coll. 372, fo. 66-140, s. xiii.

Cambridge, Trinity Coll. 580, fo. 30, s. xv.

London, Reg. 8. E. ix, beginning of s. xv.

Paris, Lat. 11867, fo. 189b-214b, s. xiii.

¹¹ MS. Phillippis 13835, s. xiv, contained some work of Neckam, probably the *De Utensilibus*. I have not discovered its present location. Further investigation of the manuscripts of the *De Utensilibus* is much to be desired. Thus in MS. Trinity Coll., Cambridge, 1337, some additional matter seems to be introduced (fo. 130b-135) immediately following the account of ships (ed. Wright, p. 113). In Gonville 136 the treatise is followed (fo. 21-30) by the similar one of Adam du Petit-Pont, which is accompanied by a commentary. This commentary bears the subscription, *Explicit epistola magistri Ade de Paruo Ponte Anselmo Cantuar. archiep. de utensilibus cum elucidacione mag. N.* This *Magister N.* is very probably to be identified with Neckam (cf. Paul Meyer, *Romania*, 1907, xxxvi. 488).

¹² It is not described in Planta's *Catalogue* (1802).

¹³ Another copy of the *De Naturis Rerum*, Westminster Abbey 125, perished in the disastrous fire of 1694. The treatise *De Natura Rerum* found in Harley 3717 and consisting of twenty books is not that of Neckam.

¹⁴ Wright's carelessness is inexcusable, for the existence of the two Cambridge MSS. had been already pointed out by Tanner.

¹⁵ Ellis appears to have been unaware that the work had been printed.

B. UNPUBLISHED WORKS

6. *Corrogationes Promethei*. Valuable study by M. Paul Meyer (*Notices et Extraits*, xxxv. ii, 1897, 641-82).

MSS.: Berne 45. B, fo. 1-104, s. xiv.

Cambridge, Univ. Libr. Kk. 5. 10, fo. 318-61, s. xiv.

Cambridge, Corpus Christi Coll. *217, fo. 318-52, s. xiii¹⁶; 460, fo. 1-67, s. xiii/xiv (the beginning, fo. 1-25, is entitled *Correctorium Biblie*).

Cambridge, *Gonville and Caius Coll. 236, fo. 160, s. xiii.

Cambridge, *Pembroke Coll. 103, fo. 85-125, s. xiii; 112, fo. 53-70, s. xiii.

Dublin, Trinity Coll. C. 2. 5, fo. 113, s. xiii; *C. 2. 6, fo. 1-85, s. xiii/xiv.¹⁷

Évreux 72, s. xiii.

London, *Egerton 2261, fo. 111-75, s. xiii¹⁸; Harley 6, fo. 150-8, s. xiii; Reg.

2. D. viii, s. xiii; *Reg. 5. C. v, fo. 2-57, s. xiv.

Oxford, Rawl. C. 67, fo. 95-162, s. xiii; Hatton 44, s. xiii/xiv; Bodley 550, fo. 1 *seqq.*, s. xiii; Bodley 760, fo. 99 *seqq.*, s. xiii; Auct. F. 5. 23, fo. 7 *seqq.*, s. xiii; Laud Misc. 112, fo. 9-42, s. xiii.

Oxford, Merton Coll. *234, fo. 2-53, s. xiv¹⁹; 254, fo. 138, s. xiv²⁰

Oxford, St. John's Coll. 178, fo. 105-39, s. xiii in.²¹

Paris, Bibl. Sainte-Geneviève 1211, s. xiii/xiv.

Troyes 1048, s. xiii.

Turin, D. V. 29, fo. 1-46, s. xiv.

*Worcester, Cath. Libr. F. 1, fo. 168-234, s. xiii.

7. *Expositio in Cantica Canticorum, Libri vi*.

MSS.: Cambridge, Univ. Libr. Ii. 2. 31, pp. 265-510, s. xiv.

London, Reg. 4, D. xi, s. xiii.

London, Lambeth Palace, 23, fo. 1-98, s. xiv. The full title of the work in this manuscript is *Expositio super Cantica Canticorum et Laudem Glorioso et Beate Virginis Matris et de Mysterio Incarnationis Libri vi*. It is an enormously long treatise and will probably remain unpublished for many years to come (cf. a note by Paul Meyer, *loc. cit.*, p. 643).

Oxford, Bodley 356, s. xiii. Begins in Lib. ii, cap. 4.

Oxford, Balliol Coll. 39-40, fo. 249, s. xiii.

Oxford, New Coll. 43, fo. 235, s. xvi in.

8. *Tractatus Super Symbolum Athanasii*.

MSS.: Cambrai 976 (874), fo. 172 *seqq.*, s. xiii.

London, Harley 3133, s. xiii.

Oxford, Bodley 284, fo. 297 *seqq.*, s. xiii; Rawl. C. 67, fo. 86-93, s. xiii.

9. *Glossae super Psalterium*.

MSS.: London, Reg. 2. C. xi, s. xiii.

London, Lambeth Palace 61, fo. 1-119, s. xv.

Oxford, Bodley 284, fo. 1 *seqq.*, s. xiii.

Oxford, Jesus Coll. 94, fo. 1-57, s. xiii in.

¹⁶ The manuscripts marked with an asterisk are not cited in M. Meyer's list.

¹⁷ For the Dublin MSS. see my forthcoming *Inventaire (Revue des Bibliothèques, 1915)*.

¹⁸ The work is here entitled *Excerpta super singulos libros Bibliotece*. In other manuscripts a portion of the work has the title *De singulis libris Bibliotece*.

¹⁹ In this manuscript fo. 2-16 have the title *Correctiones Bibliae*, and fo. 16-53b *Repertorium Vocabulorum Bibliae*. Bale (*Index*, pp. 7, 197, and 468) mentions three writers who wrote 'super dictiones Bibliorum exemplo Alexandri'.

²⁰ The work is here called *Ysagogicum*.

²¹ In this manuscript the prologue (fo. 105) is entitled *De Figuris Rhetorices Libellus*.

10. *Sermones*.

MSS.: Cambridge, Univ. Libr. II. 1. 24, pp. 241-8, 273-8, s. xiv.

Durham, Cath. Libr. B. iv. 30, fo. 1-18, s. xiv.²²

London, Harley 325, fo. 1-9, 34-8, 174-80.

Oxford, Wood 13, s. xiii (*Sermones LIV*).

Oxford, Jesus Coll. 94, fo. 74-125, s. xiii in.²³

Worcester, Cath. Libr. Q. 6, fo. 94-101, s. xiii.²⁴

11. *Tractatus super Parabolas Salomonis*.

MS.: Oxford, Jesus Coll. 94, fo. 57-74 b, s. xiii in. *Incipit*, 'Meditatio humana'.

12. *Speculum Speculationum. Libri iv.*

MS.: London, Reg. 7. F. 1, s. xiii.

13. *Meditationes de Magdalena*.

MS.: Hereford, Cath. Libr. O. 1. 2, s. xiii in., twenty-third tract. *Incipit*, 'Osculetur me osculo oris sui. Ad mensam spiritualis refectionis.'

This seems to be the work *De Conversione Magdalene*, commencing 'Ad mensam Domini veniens haec', mentioned by Bale (*Index*, p. 25), and Tanner (*Bibl.*, p. 540).

14. *Quaestiones de Rebus Theologicis*.

MS.: Lambeth Palace 421, fo. 124 b-127, s. xiv. *Incipit*, 'Quaeritur utrum Abraam.'

Probably Bale's *Liber Quaestionum* (p. 25).

15. *Fabula de Conceptione B. V. M.*

MS.: London, Harley 206, fo. 103.

Cf. Ward and Herbert (*Catal. of Romances*, ii. 653, iii. 154, 699).

16. *Super Marcianum de Nuptiis Mercurii et Philologie*.

MSS.: Cambridge, Trinity Coll. 884, fo. 38-63 a, s. xiv.

Oxford, Digby 221, fo. 34 b-88, s. xiv.

I have not met with any other manuscript of this work. The copy cited by Tanner, Merton College 291, is a different commentary,²⁵ and the same is to be said of Cambridge, Trinity College 27, fo. 144-77 b. See a note by Enrico Narducci (*Bullettino di Bibliografia e di Storia delle Scienze Matematiche e Fisiche*, Roma, 1882, xv. 528-9).

C. DOUBTFUL AND SPURIOUS WORKS

A number of writings enumerated under this heading have been attributed to Alexander Neckam, either by the scribes of certain manuscripts, or by bibliographers. We have not in all cases sufficient evidence to enable us to decide definitely as to their authorship.

²² With title, *Tractatus super Ave Maris Stella sive Sermones vi*.

²³ Three sermons: (a) fo. 74b-75b in istud 'Dispone domui tue'; (b) fo. 75b-79 in *Nativitatem B. V. M.*; (c) fo. 79-125 in istud 'Mulierem fortem quis inveniet' libri iii.

²⁴ The printed *Catalogue* (1906) leaves it undecided whether the Sermons in this manuscript are those of Neckam or not.

²⁵ Tanner also cited copies in Corpus Christi Coll., Cambridge. This library does possess two manuscripts of a Commentary on Martianus Capella (MSS. 153 and 330). Both, however, were written at least two centuries before Neckam's birth.

17. *Exposiciones Rerum Theologicarum.*

MS. in possession of Sir Henry Ingilby, Ripley Castle, Co. York.²⁶ Formerly a *Liber S^ce Marie de Fontibus*. Vellum, 12½ leaves, small writing, in double columns, of s. xiv. *Incipit*, 'Omnis scientia suis nititur regulis.'²⁷

18. *Moralia super Evangelia iv. Libri iv.*²⁸

MS. : Oxford, Lincoln Coll. 79, fo. 1-259, s. xiii ex.

In the manuscript the author's name is given as 'Alexander Nequam Dolensis', which suggests a confusion with the well-known poet and grammarian Alexander of Villedieu, who, however, is not known to have written a work with the above title.²⁹

19. *Dictionnarius Metricus.*

Occurs under Neckam's name in MS. Metz 169. Another manuscript gives Johannes de Garlandia as the author. Other copies are anonymous. The evidence is thus insufficient to enable us to decide either for Neckam or for Johannes (cf. Hauréau, *Notices et Extraits*, xxvii. ii, 1879, 81).

20. *Historia Brittonum Versificata.*

Neckam is given as the author in MS. Valenciennes 792, s. xiv, but as the poem is dedicated to Cadioc, bishop of Vannes from 1236 to 1254, it is clear that he can have had nothing to say to it (cf. De Gaulle, *Bull. du Bibliophile*, 2^e sér., no. 16, 1837, pp. 495-501; *Hist. litt. de la France*, xxii, 1852, 71-7; Geoffrey of Monmouth, ed. San-Marte, Halle, 1854, p. xxvi)

Ward (*Catal. of Romances in the British Museum*, i, 1883, 277) states that this work was 'edited by Francisque Michel, under the title *Gesta Regum Britanniae*, for the Cambrian Archaeological Association, 1862'. I have not succeeded in finding this edition.

21. *Exercitatio Grammatica.*

This work, dedicated to a certain Anselm, is ascribed to Neckam in MS. London, Additional 8092, fo. 11 b. There is perhaps a confusion with the *De Utensilibus* of Adam du Petit-Pont (cf. Paul Meyer, *Romania*, xxxvi, 1907, 485).

22. *De Motu Cordis.*

Albertus Magnus attributed to Alexander Neckam a treatise with this title, and Hauréau (*Mém. de l'Acad. des Inscriptions et Belles-Lettres*, xxviii. ii, 1876, 320, 322-34, and *Hist. de la Philosophie scolastique*, 1880, vol. ii, part i, p. 63) claimed to have discovered it in Paris, Lat. 6443, fo. 181 a-183 b. This little work is an abridgement of a much longer one with the same title by Alfred of Sareshel (on whom see Baeumker, *Sitz. der phil.-hist. Kl. der K. Bayerischen Akad.*, 1913, Abhandl. 9, pp. 17-64).

²⁶ Cf. *Sixth Report of Comm. on Hist. MSS.*, Appendix, 1877, p. 356.

²⁷ This is the work called *Regulae in Theologiam* by Bale (p. 25), and Tanner (p. 540). There is an anonymous and incomplete copy in Cambridge, Univ. Libr. Gg. 1. 5, fo. 113-23, s. xiv, and another in Trin. Coll. Dublin C. 2. 12, s. xiii. In many MSS. the work is attributed to Alanus de Insulis, and there is a good edition of it by Mingarelli (ap. Migne, *Patrol. Lat.*, 210, 621-84).

²⁸ At p. 26 Bale gives the attribution to Neckam, but at p. 376 he assigns the work to Robert Grosseteste, and Tanner (p. 347) mentions a number of manuscripts in which it is attributed to the latter.

²⁹ Cf. Fabricius, *Bibl.*, i. 63-4; *Hist. litt. de la France*, xviii. 202-9.

23. *De Contemptu Mundi* or *De Vita Monachorum*.

A poem published under Neckam's name by Wright (*Anglo-Latin Satirical Poets*, 1872, ii. 175-200). It may also be read among St. Anselm's works (Migne, *Patrol. Lat.*, 158, 637-706). According to Du Méril (*Poésies inédites du Moyen Âge*, 1854, p. 170) and Hauréau (*Notices et Extraits*, xxxiii. i, 1890, 196) it belongs neither to the one nor to the other. Bale (*Index*, p. 513) calls the tract *De Professione Monachorum*, and seems to have been the first to ascribe it to Neckam. Elsewhere, however (p. 18), he attributes it to Aldhelm.

24. *Super Vetus et Novum Testamentum. Libri xiii.*

A work with this title and beginning 'Premissa descriptione originis et distinctionis artium' was included by Bale in his list of Neckam's works (*Index*, p. 26). It was printed under the title of *Allegoriae in Vetus et Novum Testamentum* among the *Dubia* of Hugo of St. Victor (Migne, *Patrol. Lat.*, 175, 633-924). The other work with the same title, but in one book, cited by Bale (p. 25), seems to be identical with the *Corrogationes Promethei* (above no. 6).

MSS.: Cambridge, King's Coll. 12, fo. 209 *seqq.*, s. xiv/xv (abbreviated copy).

Hereford, Cath. Libr. O. 1. 2, s. xiii in., 16th tract; P. 2. 6, s. xv.

London, Egerton 2261, fo. 22-90, s. xiii.

Oxford, Bodley 843, fo. 81-122, s. xiii.

25. *Distinctiones Verborum. Liber i.*

This work was attributed to Neckam by Bale (*Index*, p. 24).

MSS.: Oxford, Greaves 53, fo. 13 *seqq.*, and Hatton 101, p. 333 *seqq.*, both of the end of s. xiii. The *incipits* agree with that given by Bale.

26. *Repertorium Vocabulorum. Liber i.*

Ascribed to Neckam by Bale (p. 25). Cf. Herbert (*Catal. of Romances*, ii, 1910, 212).

MSS.: Dublin, Trin. Coll. C. 3. 19, s. xiv. London, Harley 2270, s. xv; Reg. 8. vii. Oxford, Bodley 863, fo. 182 *seqq.*, s. xiv, and Laud misc. 30, fo. 66 *seqq.*, s. xv. The *incipits* agree with Bale's.

27. *Summaria Compilatio Metricata.*

MSS.: Cambridge, Gonville and Caius Coll. 140, fo. 1-16 b, s. xv.

Cambridge, St. John's Coll. 179, fo. 95-116, s. xv.

Cambridge, Univ. Libr. Ee. 6. 29, fo. 104-31, s. xiv.

Durham, Cath. Libr. B. 2. 33, s. xii.

Hereford, Cath. Libr. P. 5. 9, s. xiv.

Oxford, Add. B. 28, fo. 100, s. xv.

Salisbury, Cath. Libr. 60, fo. 151, s. xiii.

St. Gallen 336 and 1068.

Dr. M. R. James (*Catal. of MSS. in St. John's Coll., Cambridge*, 1913, p. 212) states that this work 'is attributed to Alex. Neckam and to Alex. de Villa dei'. As far as I can discover, it is always attributed to Alexander of Villedieu (cf. Fabricius, *Bibl.* i. 64, and *Hist. litt. de la France*, xviii. 207). Most of the manuscript copies appear to be without author's name.

28. *Scintillarium Poeseos* or *Mythologia.*

Neckam is designated as the author of this treatise in seven manuscripts:

Cambridge, Queen's Coll. 10, fo. 29-55, s. xiii/xiv.

Cambridge, Trinity Coll. 884, fo. 21-38, s. xiv.

London, Harley 2557, s. xv.

Oxford, Digby 221, fo. 1-34, s. xiv; Auct. F. 5. 16, pp. 139-57, s. xiv; Bodley 571, fo. 191, s. xv.

Worcester, Cath. Libr. F. 154, fo. 1-16, s. xv.

In other manuscripts (e.g. Berne, 223; Gotha, Membr. I.'55, s. xiii; Munich 369; Paris, Lat. 14627 and 16246) the work appears under such titles as *Poetria* (or *Poetarius*) *Magistri Alberici*, or *Albericus Londoniensis de Expositione Fabularum*, and in the Worcester MS. there are two subscriptions, *Explicit Mythologia Alexandri*, and *Explicit Albericius in Poetario*.

It was printed at Paris in 1520 under the title of *Allegoriae Poeticae seu de Veritate ac Expositione Poeticarum Fabularum Libri iv, Alberico Londonensi auctore, nusquam antea impressi*. This edition is very rare and was unknown to Angelo Mai, who printed the tract from several Vatican MSS. in his *Classici Auctores e Vaticanis Codicibus* (t. iii, 1831, pp. 161-277).³⁰ Mai designated the work, which was anonymous in his manuscripts, as *Mythographus Tertius de Diis Gentium et illorum Allegoriis*. On comparing the two editions we notice, apart from a number of minor variants, one very considerable discrepancy. In Mai's text, as in the six manuscripts in which the author is given as Neckam, the work commences with the words *Fuit in Egypto uir ditissimus nomine Syrophanes*, but in the Paris edition these words are preceded by a short *Prologus Auctoris* (fo. 1) commencing *Multa uiri ueteres* and ending *figmenta manauerunt*. This Prologue, in a somewhat more complete form,³¹ appears in the manuscripts which attribute the work to Albericus of London, and he may be thus taken as the true author. He is said to have lived about 1217, though nothing appears to be known of his personal history.³² It has even been suggested³³ to identify him with the chronicler Albericus of Trois-Fontaines (c. 1241). The *Poetarius* is a work of considerable interest.³⁴ It has been shown that among other sources the author drew very largely from the writings of Remigius of Auxerre,³⁵ especially the latter's Commentary on Martianus Capella.

Another and much shorter mythological work has also been ascribed to the same Albericus. It is entitled *Albericus* (or *Albricus*) *philosophus de imaginibus deorum* (MS. Munich 6722, fo. 78-88, s. xv), and has frequently been printed.³⁶

³⁰ Mai's edition was reprinted by Bode (*Scriptores Rerum mythicarum Latini*, i. 1834) with some emendations from Gotha, Membr. II. 136, fo. 162-90, s. xv, in which the tract has neither prologue nor author's name.

³¹ It was printed from Gotha, Membr. I. 55, by Jacobs (*Beiträge zur älteren Litt. . . . der Bibl. zu Gotha*, 1835, i. 202-5, 460). This preface occurs also in several anonymous manuscripts of the tract, e.g. Trin. Coll., Dublin, A. 5. 3, fo. 3a (the scribe of which, not the author as stated by Tanner, *Bibl.*, p. 693, was a certain Adam de Stocton, c. 1375), Munich 369, fo. 12, and 21566, fo. 20 (where the treatise is strangely called *Vita patrum secundum fabulas*, a title which misled Manitius, *Gesch. der lat. Lit. des Mittelalters*, 1911, i. 337). It was also to be read in Cheltenham 1151, s. xv, the fate of which I do not know.

³² Tanner (*Bibl.*, p. 19); Fabricius (*Bibl.*, i. 37, 50); Klusmann (*Comm. de Alberici cod. Gothano*, Berlin, 1868).

³³ Jacobs (*Beiträge*, i. 202).

³⁴ Cf. Teuffel (*Gesch. der röm. Lit.*,⁵ 42, 10) and Raschke (*De Alberico Mythologo, Philol. Abhandl. Förster*, Heft 45, Breslau, 1913).

³⁵ Manitius (*Gesch. der lat. Lit. des Mittelalters*, i. 510, 514; *Münchener Museum für Philol. des Mittelalters*, 1913, ii. 79; *Didaskaleion, Studi filologici*, &c., 1913, ii. 63 seqq.).

³⁶ e.g. in the *Mythographi Latini*, ed. Muncker, 1681, ii. 301-30.

It may be added that the manuscript of a work entitled *Alberici de Radiis Dictaminum*, which formerly existed as MS. 103 of the library of Emmanuel College, Cambridge, and which Dr. M. R. James, in his *Catalogue of the MSS. in the Library of Emmanuel College*, 1904, p. xiii, believed was lost, is in fact to be found in the British Museum as MS. Harley 3969 of s. xiv.³⁷

29. *Poema de Vita Christi.*

MS. : Cambridge, Univ. Libr. Ee. 6. 29, fo. 42 a-51 b, s. xiv in.

Incipit : 'Desere nunc anima.'

The poet calls himself 'Alexander peccator', and the authors of the printed *Catalogue of MSS.* (ii, 1857, 269) identify him with Neckam.

30. *Commentarius in Proverbia* (xxx. 10-31).

MS. : Oxford, Bodley 528, fo. 1 *seqq.*, s. xiii.

Incipit : *Mulierem fortem . . . Splendor radii solaris.*

Tanner (p. 540) mentions a work of Neckam *In Libros Proverbiorum, quaedam in principio et fine*, and both he and Bale (*Index*, p. 25) refer to a work *De Muliere forti, libri iii, incipit 'Splendor paterni luminis, sive Splendor radii solaris.'* Above (no. 10) we have noticed Neckam's *Sermo in istud 'Mulierem fortem quis inveniet', libri iii.* It seems probable that under all these titles we have one and the same tract, which is possibly merely a portion of no. 11 above.

31. *De Differentia Spiritus et Animae.*

MSS. : Cambridge, Univ. Libr. Ii. 2. 10, fo. 229-33 b, s. xiv.

Oxford, Corpus Christi Coll. 114, fo. 229-35, s. xiii ex.

This tract, which begins with the words '*Interrogasti me*', was attributed to Neckam by Tanner (p. 540). Bale (p. 478) had placed it among *Libri dubii* while suggesting that Neckam was the author.³⁸ As a matter of fact, it is the work of the Nestorian Costa-ben-Luca, and has been published under his name by Barach (*Bibl. Philos. Mediae Aetatis*, ii, Innsbruck, 1878). See Hauréau (*Mém. de l'Acad. des Inscr. et Belles-Lettres*, xxviii, ii, 1876, 327, and *Hist. de la Phil. scol.*, 1880, vol. ii, part i, p. 63).

32. *De Longitudine et Brevitate Vitae seu de Morte et Vita.*

MS. : Oxford, Corpus Christi Coll. 114, s. xiii ex., fo. 235-7 b.

The manuscript is anonymous. • This tract is in Tanner's list (p. 540).

33. *Expositio in ii libros priores de Anima.*

MS. : Oxford, Oriel Coll. 58.

In Tanner's list (p. 540). It is the work of Alexander of Hales.

34. *In Libros Meteorologicorum.*

MS. : Oxford, Merton Coll. 272, fo. 64-71 b, s. xiii.

No author's name given in the manuscript. In Tanner's list (p. 540). Bale (p. 28) attributes the work to *Alphredus Anglus.*

³⁷ Bale (*Index*, p. 14) mentions an *Albericus Anglus* who wrote a book *De Eucharistia*, of which he does not give the *incipit*. This may be a confusion with Alberic of Monte Cassino (d. 1088), who wrote a tract, *De Corpore Domini adversus Berengarium* (Fabricius, *Bibl.*, i. 36).

³⁸ Elsewhere (p. 139) he attributes it to Guilhelmus Northfelde.

35. *De Accentu in Mediis Syllabis.*

MS.: Cambridge, Corpus Christi Coll. 460, fo. 67 b-85 b, s. xiii/xiv.

In the manuscript it is anonymous and immediately follows a copy of Neckam's *Corrogationes Promethei*. In Tanner's list (p. 540).

36. *In Metamorphosin Ovidii. Liber i.*

This title is in Tanner's list (p. 540), but he gives neither manuscript nor *incipit*. Bale mentions no such work.

There is a moralized commentary on Ovid's *Metamorphoses* with the title *Ovidii Metamorphoseon Fabulae Allegorizatae* in MS. Bodley 571, s. xv, immediately following the *Scintillarium Poeseos* dealt with above (no. 28), and it was conjectured by Schenkl (*Wiener SB., Phil.-Hist. Cl.*, 123, 1891, Abhandl. v, p. 53) to be the work of Neckam. A perusal of the tract would, however, have shown that it was written about 120 years after Neckam's death. This commentary commences with the words, 'A veritate quidem auditum avertentes ad fabulas autem convertentur'. Copies of it are by no means uncommon. I have noted the following:

Cambridge, Queen's Coll. 10, fo. 71 a, s. xiv.

Cambridge, Sidney Sussex Coll. 56, s. xv.

Dublin, Trinity Coll. A. 5. 3, fo. 28 a-77 b, s. xiv.

Durham, Cath. Libr. B. 4. 38, s. xiv; Quarto 96, s. xv.

Hereford, Cath. Libr. O. 1. 9, s. xv.

Holkham Hall 324, s. xv.

London, Additional 15821, s. xiv; Harley 1014; Harley 1847; Lansdowne 728, s. xv; Reg. 15. C. xvi, s. xiv.

Manchester, Chetham Libr. 6714, s. xv.

Oxford, Bodley 571, s. xv; 844, s. xv in.; Auct. F. 5. 16, fo. 164 b-205, s. xiv;

Rawl. B. 214, s. xv.

Oxford, Merton Coll. 85 and 299.

Oxford, New Coll. 191, fo. 1-17, s. xiv.

Oxford, St. John's Coll. 137.

Ripley Castle (Co. York), s. xv. Cf. Schenkl, *Bibl. Patr. Lat. Brit.*, 4801.

Worcester, Cath. Libr. F. 89, s. xiv ex.

In addition a number of manuscripts exist on the Continent (cf. Hauréau, *Mém. de l'Acad. des Inscr. et Belles-Lettres*, xxx. ii, 1883, 45, and Gaston Paris, *Histoire littéraire de la France*, xxix, 1885, pp. 505-25).

The authorship of this commentary has been much disputed. It was printed three times (1509, 1511, and 1515) under the name of Thomas Walleys.³⁹ Bibliographers and authors of catalogues of manuscripts have attributed it to Robert Holkot,⁴⁰ to Nicolas Triveth,⁴¹ to Eligius,⁴² to Johannes Ridevallus,⁴³ or to Petrus Berchorius (Pierre Bersuire). M. Hauréau has proved that it belongs to Bersuire, who completed it at Paris in 1342 (*Mém. de l'Acad. des Inscr. et Belles-Lettres*, xxx. ii, 1883, 45-55).⁴⁴

³⁹ Cf. Bale, p. 457.

⁴⁰ Cf. Gaston Paris (*loc. cit.*, *supra*). I have not met with any manuscript in which it is attributed to Holkot.

⁴¹ Cf. Bale, pp. 308-9.

⁴² So Schenkl (*Bibl. Patr. Lat. Brit.*, 2815), but the manuscript in question (Cambridge, Queen's Coll. 10, fo. 71 a) has *Prior sci. Eligii super Ovidium*.

⁴³ Bale (pp. 241-3) does not mention a Commentary on Ovid among this author's works. Fabricius (iv. 409) mentions it. Tanner also (pp. 630-1), who gives its *incipit*, 'In huius expositionis initio.'

⁴⁴ See also Gaston Paris (*ubi supra*), who spells the name Berquire.

D. LOST OR UNIDENTIFIED WORKS

37. At the beginning of his *De Naturis Rerum* (i. 2, ed. Wright, p. 16) Neckam mentions three of his writings, *Laus Beatissimae Virginis*⁴⁵; *Solatium Fidelis Animae*; *Corrogationes Promethei*. The last is no. 6 above; the first is a sub-title of no. 7, but I have not succeeded in identifying the second.

38. Fabricius (*Bibl.*, i. 62) and Tanner (p. 540) tell us that among Neckam's works was a book of *Carmina Diversa* commencing with the words *Cortice nudato Tisarantus* (sic). They give no authority for the statement. I think the explanation is as follows:

In the *Vocabularium* of Gulielmus Brito under the word *Tipsana* (i.e. *Ptisana*) we read *Alexander Nequam sic ait*: '*Cortice nudata tipsanas ordea dicas*' (cf. Hauréau, *Histoire littéraire de la France*, xxix, 1885, 586). I have not found this verse among the seven or eight thousand lines hitherto published under Neckam's name.

It may be remarked that Brito frequently quotes Neckam,⁴⁶ though without giving the names of his works (Hauréau, *loc. cit.*, p. 592). A study of these citations might give some interesting results.

39. The following works of Neckam are mentioned by Bale (pp. 24-7) and Tanner (pp. xxvi, 540-1). I have not yet accounted for them:

De Gradibus Humilitatis. Liber i. 'Augustinus. Vera humilitas est nullis.'

De Fide, Spe, et Charitate. Liber i. Incipit not given.

Sermones ab (or de) adventu Domini. Liber i. 'Post susceptam praedicandi functionem.' Probably to be sought for among the collected *Sermones* (above, no. 10).

Cur filius incarnatur. Liber i. 'Operis immensi quoniam Deus.' No. 7 above has the sub-title *De Mysterio Incarnationis*.

De Nativitate Mariae. Liber i. 'Egredietur virga de radice.' One of Neckam's *Sermons* (no. 10 above) is entitled *In Nativitatem B. V. M.*

De Annunciatione Sermones vi. Liber i. 'In hoc versu lectionis evangelicae.' No doubt among the *Sermones* (no. 10).

De Desponsatione Mariae. Liber i. No *incipit* given.

De Assumptione Virginis. Liber i. 'Quae est ista quae ascendit de (or per).'

Festivale. Liber i. No *incipit* given. Perhaps a confusion with the *Liber Festivalis* of Alexander Esseburnensis (Bale, p. 21).

Erhortatio ad Viros Religiosos. Liber i. 'Taedia nulla chori tibi sint, assiste labori.'

Concordantiae Bibliothecae (or Bibliorum). Libri v. 'Primus liber agit de his quae pertinent ad.'⁴⁷

⁴⁵ Fabricius and Tanner mention a work of Neckam's, *De Laude Divae Virginis*, but give no *incipit*.

⁴⁶ Bale (p. 118) says of him, 'Ut Perotus in Martialem, sic iste Brito in Neckam', and Tanner tells us that he wrote a book, *In dicta Alexandri Neckam (Bibl., p. 128)*. But this was probably evolved through a misunderstanding of Bale's remark, for no trace of the book is to be found. An edition of Brito's *Vocabularium* is much to be desired. There are many manuscript copies of it. M. Hauréau (*Hist. litt. de la France*, xxix, 1885, 584-602) with his usual masterly penetration has discovered that Brito really wrote about 1250, and not c. 1356 as previously supposed.

⁴⁷ A study of the numerous anonymous *Concordantiae Bibliorum* (e.g. Dublin A. 1. 3, s. xiv; Hereford O. 3. 14, s. xiii in.; Salisbury 28, s. xiv; 60, fo. 81-121, s. xiii; and 163, s. xiii) might lead to the recovery of this work.

40. The following additional works are given by Fabricius (i. 62-3) and Tanner (*loc. cit.*):

Promethicon (or *Prometicum*), carmine prosa intermistis. 'Sponte sua genius me provocat.'

De rebus creatis in specie. No incipit given.

De Virtutibus. Liber i. No incipit given (cf. Bale, p. 513).

Sermones de praeceptis Decalogi. Incipit not given (cf. Bale, p. 513). Possibly to be found among the *Sermones* (above, no. 10).

De Puritate Mariae. No incipit given.

De Desponsatione Iosephi. Liber i. No incipit given.

Exorcismus sive Baptisterium. 'Huic operi talis praeponitur titulus.'

In Proverbia Salomonis. Liber i. 'In primo opere Salomonis.' This is possibly identical with no. 11 above, but the incipits appear to differ.

Super Ezechielem. Liber i. No incipit given.

De tribus viribus animae. No incipit given.

Tractatus Dubii Generis (sic!). No incipit given.

Lectiones Scripturarum. Liber i. No incipit given.

The following titles given by Bale, Fabricius, and Tanner can be easily identified with known works:

Isagoge in verba obscuriora Bibliorum; *Isagogicum de Grammatica sive Isagoge ad Artes*; *De Figuris et Tropis*; *Elucidarium in Bibliothecam*; *Vocabularium Biblicum*; *Expositiones Novi Testamenti*; *Expositiones Bibliothecae*; *Isagogicum*; *Prologus de Rhetorices Figuris*; *Correctiones Bibliae*; *Super Vetus Testamentum et Novum* in one book (cf. above, no. 24); *De Singulis Libris Bibliothecae*. All these titles and sub-titles refer to one and the same work, the large compilation known as *Corroagationes Promethei* (above, no. 6).

Super Ecclesiasten, and *De Vanitate Humanae Fragilitatis*, designate books iii-v of the *De Naturis Rerum* (no. 4).

Methologiae is the *Scintillarium Poeseos* (no. 28).

Conciones xviii designate the *Sermones* (no. 10).

To complete the list of Neckam's works it only remains to mention that MS. Gg. 6. 42 of the University Library, Cambridge, s. xiii, fo. 1-211, contains a theological treatise in three books, composed of a series of extracts from practically all the writings of Neckam in prose and verse. The names of the treatises are given beside the extracts, and in the words of the printed *Catalogue of MSS.* (iii, 1858, 231-2): 'Almost all Neckam's works, as given in Bale and Tanner's lists, seem to have been used.' There is no title to the treatise and it opens with the words, 'Festiva solemnitas lucis hodiernae'. It is possible that this is the work called *Festivale* by Bale (above, no. 39). A study of these extracts would clearly be of the greatest importance for determining the authenticity of many of the doubtful works enumerated above.

It may be added also that a number of extracts from Neckam's writings are found in a manuscript at Munich, no. 8827 of s. xv.⁴⁸

⁴⁸ The foregoing investigation of Neckam's works was undertaken at the suggestion of my former teacher, Professor Wilhelm Meyer, of Göttingen. Circumstances have unfortunately prevented me from profiting by his advice during the actual progress of the work. To M. Henri Omont I am indebted for assistance in regard to the reading of certain words in the Paris MS., and Messrs. Herbert, Craster, and Jenkinson have kindly supplemented my knowledge of the manuscripts at London, Oxford, and Cambridge. Certain books, which would not otherwise have been available to me, were consulted at my request by Dom Louis Gougaud, of Farnborough.

The Name Magna Carta

THE origin of the name *Magna Carta* as applied either to John's charter of liberties or to its revisions and reissues in the reign of Henry III is a subject that has not been extensively investigated.¹ Yet it can hardly be doubted that *Magna Carta* has owed something to its name. In the subtle psychology of human events the early possession of this simple but distinctive title perhaps helped to start the *carta libertatum* upon its unique career among the world's documents.

Dr. McKechnie notes with approval² the suggestion of Dr. George Neilson that 'perhaps the name *Magna Carta* arose from the distinction drawn in 1242 between Henry's "little charter" (*parva carta*) of 1237 and the earlier great charter, which certainly was not King John's, but Henry's charter of confirmation'.³ Apparently Dr. Neilson has in mind the passage in Matthew Paris which records the famous debate of 1242.⁴ But Dr. McKechnie points out that Matthew Paris used the term also in 1237: 'Praeterea sereno vultu et spontanea promisit voluntate libertate magnae cartae suis fidelibus regni sui ex tunc inviolabiliter observare.'⁵ This seems rather to weaken the argument, for it is unlikely that the name *parva carta*, in contrast with which *magna carta* is supposed to have arisen, had so immediately become attached to the confirming document that it was in the author's mind when he was making a contemporary record

¹ Some twenty years ago Dr. Liebermann remarked of Henry I's coronation charter that 'it was called *Magna Carta* in the beginning of the thirteenth century, if not earlier' (*Transactions of the Royal Historical Society*, n.s., viii. 21). This very naturally has suggested the possibility that John's charter derived its name from its predecessor and prototype. And that this may have been a source of the term cannot be denied. But the earliest instance cited of the application of the term to the earlier document is from the rubric of the text of Henry's charter in the Glasgow Register (the form was *Magna Carta H. I. r. Anglie*), which was, Dr. Liebermann states, 'written about 1225' (*ibid.* p. 36). This, then, does not explain the earlier use of the term for the 1217 reissue of John's charter discussed in this paper.

² *Magna Carta* (2nd ed.), pp. 157-8.

³ 'Magna Carta Reread', *Juridical Review* (1905), xvii. 128-44. Dr. Neilson's conclusion that the term was first applied to one of Henry's confirmations of John's charter, and for centuries continued to be so applied, is undoubtedly correct. And he remarks, 'Practically it did not matter greatly whose great charter was meant. Henry's regrants of 1216, 1217, and 1225 materially repeated the parent grant of John.' But he takes due cognizance of the endorsement of the *Articuli Baronum*, which he, in agreement with Blackstone (who speaks of it as being in a 'contemporary hand', *Law Tracts*, II. xxvi), assigns to the thirteenth century. The endorsing words are, *Articuli magne cartae libertatum sub sigillo regis Iohannis*. This shows, he says, 'that the term was attachable to John's charter as well'.

⁴ 'Et praeterea concessit eis tunc quod omnes libertates contentae in magna carta ex tunc in antea plenius tenerentur per totum regnum suum, et inde fecit eis quandam parvam cartam, quam adhuc habent, in qua eadem continentur,' M. Paris, *Chron. mai.*, iv. 186.

⁵ *Ibid.* iii. 382.

of the circumstances of its origin. But the term *magna carta* is in the *parva carta* itself :

Sciatis quod intuitu Dei et pro salute animae nostrae et animarum antecessorum et haeredum nostrorum, ad exaltationem Sanctae Ecclesiae et emendationem regni nostri, concessimus et hac carta nostra confirmavimus archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, militibus, liberis hominibus, et omnibus de regno nostro Angliae omnes libertates et liberas consuetudines contentas in cartis nostris quas eisdem fidelibus nostris fieri fecimus cum minoris essemus aetatis, scilicet tam in magna carta nostra quam in carta nostra de foresta.⁶

Our authors both note the passage, but make no attempt to explain it in connexion with their theory. Here at least the term was not used in contrast with the idea of *parva carta*, and it is the earliest use of *magna carta* which either writer cites. Do not the words 'in our charters . . . that is to say both in our great charter and in our charter of the forest' suggest a different and an earlier contrast? ⁷

The forest articles appeared as a separate document on the occasion of the second revision of the charter of liberties, 6 November 1217. The following writ ordering their publication and observation in the counties was issued 22 February following. It is preserved in the Close Rolls, of which there are two for the year 1218.⁸ These are now numbered 18 and 19 at the Public Record Office. This is the text of number 18 :

Rex Vicecomiti Eborac' salutem. Mittimus tibi cartas de libertatibus concessis omnibus de regno nostro tam de foresta quam aliis, mandantes quatinus eas legi facias publice in pleno Comitatu tuo, convocatis Baronibus, militibus, et omnibus libere tenentibus eiusdem Comitatus, qui ibidem iurent fidelitatem nostram: et tu diligenter attendens singula puncta cartarum ea per omnia facias iurari et observari, et id maxime quod in fine magne carte appositum est de castris adulterinis, que ab initio guerre constructa fuerint vel reedificata, diruendis omni occasione postposita fieri facias, secundum quod continetur in eadem carta, quia id per consilium domini Legati et fidelium nostrorum provisum fuit et in carta positum ad maximam utilitatem et tranquillitatem nostram et regni nostri. Quia vero etc. Teste Comite ut supra.

Here *magna carta* is plainly used in contrast to the forest charter. Sir Thomas Duffus Hardy in editing these rolls for the Record Commissioners believed this roll to be the duplicate or copy of

⁶ Stubbs, *Select Charters* (8th ed.), p. 365.

⁷ Wykes's chronicle, under date 1225, refers to the final revision in that year thus: 'et rex concessit eis et confirmavit magnam chartam de libertatibus, quas pater suus rex Iohannes dudum concesserat' (*Annales Monastici*, iv. 66). It is likely, however, that this part of the chronicle was written a good deal later.

⁸ These duplicate Close Rolls appear for the last four years of John's reign and the first ten of Henry III's.

the roll now numbered 19. These duplicates he regarded not as 'authenticated counterparts, but merely as copies of the original rolls, made up at a period, though perhaps but a few years, subsequently to that which must be assigned to the originals'.⁹ Yet, accepting this statement fully, it surely must be concluded that here was a use of *magna carta* very much earlier than 1237, by which date every reason for making a duplicate of the 1218 roll must have passed. Moreover, it is to be remembered that the whole practice of making duplicates of the Close Rolls ended with the roll for 1226-7.

We turn, then, to the roll numbered 19, the one printed by Hardy as the original.¹⁰ Here the part of the letter important for the present purpose was first written thus :

. . . et tu diligenter attendens singula puncta cartarum ea per omnia facias observari, et id maxime quod in fine appositum est de castris adulterinis, que ab initio guerre constructa fuerint vel reedificata, diruendis omni occasione postposita fieri facias, secundum quod continetur in maiori carta, . . .

Then in what appears to be the same hand and with the same ink the following changes were made. Above the line and to be read between the words *facias* and *observari*, *iurari* was written ; above the line and to be read between *fine* and *appositum*, *magne carte* was written ; a line was drawn through *maiori* and *eadem* was written above it.¹¹ These changes made the passage identical with what appeared in roll 18. It is not difficult to understand what happened. After November 1217 it was necessary to speak of *the charters* instead of *the charter*. Language forms must be revised or ambiguities would result. An ambiguity did result in this very writ. The scribe first wrote, 'and that especially which was placed at the end concerning adulterine castles'. But at the end of which ? He seems to have felt this ambiguity, for he presently added the clause, 'as it is contained in the greater charter'. The contrast was forced upon him; and perhaps when the scribe wrote that comparative adjective *maiori* the world-famous term had its birth. Then came the revision, probably by the same hand. The ambiguity was removed by writing in *magne carte*, making the sentence read, 'and that especially which was placed at the end of the great charter'. This made *maiori* unnecessary in the later clause, so that word was struck out and *eadem* substituted.

⁹ *Rot. Litt. Claus.* i, p. x.

¹⁰ *Rot. Litt. Claus.* i. 377. Dr. McKechnie refers to this writ as ordering the publication and enforcement of the charters, but makes no reference to its language (*op. cit.*, p. 151).

¹¹ As this was printed by Hardy, the words written above the line appear between points, and *maiori* appears with the line of erasure drawn through it.

That there may have been several independent sources of the term, involving more than one root idea, cannot be denied. But that it existed long before the *parva carta* of 1237 seems proved; and in the writ of February 1218 one very natural evolution of the term can be seen actually in process. It is not likely that it was used earlier. The new forest charter was much smaller than the parent document from which it was an offshoot. But the difference was more than quantitative; the document which dealt with many rights and customs of quite different sorts and common to very many people—the charter of common liberties as it was sometimes called—would naturally be looked upon as much more important. To call it the great charter by way of contrast was to apply to it a name obvious, apt, and convenient.

A. B. WHITE.

A New 'Fioretto' of St. Francis

M. PAUL SABATIER has placed at my disposal the following extract, which has not hitherto been printed. He found it some two years ago in MS. 9068 of the Royal Library at Munich. This volume is made up of two parts, both Franciscan and both of the fourteenth century. The first part contains most of the writings of St. Francis, the letters of St. Bonaventura, *Declarationes Regulae*, and writings of Friar David (of Augsburg). The second part begins on fo. 349 a with the preface 'Fac secundum exemplar' and the compilation of Avignon.¹ This part closely resembles the beginning of the Liegnitz MS. (capp. 1-69), described in *Opuscles de Critique hist.* i. 37-44, but ends abruptly on fo. 392 a with the words 'ab ore fr. Ugolini viri fidedigni'.² The extract given below occurs on fo. 358 b, between the chapters numbered 16 and 17 in the Liegnitz MS., which correspond respectively to capp. 26 and 28 of the *Speculum Perfectionis* ('Qualiter revelatum fuit sibi a Domino ut vocarentur fratres Minores et annuntiarent pacem et salutem', and 'Qualiter condescendit fratri infirmo comedendo uvas cum eo'). The story of St. Francis and Bernard affords a fresh illustration of the courtesy which St. Francis commended as 'one of the qualities of God himself'.³

A. G. LITTLE.

Munich MS. 9068 fo. 358 verso.

Quodam tempore circa principium ordinis b. F. cum venerabili patre Bernhardo eiusdem ordinis primogenito pro petenda elemosina quamdam civitatem ingressus iuxta lapidem quemdam uterque consedit fatigatus.

¹ Cf. *Spec. Perf.*, ed. Sabatier, p. clvii, *Actus B. Francisci*, ed. Sabatier, p. xviii, *Opuscles de Critique historique*, i. 71.

² *Actus*, cap. 9, Liegnitz MS. cap. 69.

³ *Fioretti*, cap. 37.

Instante igitur hora comedendi et fame⁴ pauperes Christi cruciante dixit pater sanctus ad socium. Iuxta hunc lapidem karissime alterutrum expectemus cum pro divino amore elemosinam collegerimus mendicatum. Sicque divisi ab invicem vicos et plateas circueunt pulsant hostia domorum terunt limina elemosinam confidenter petunt reverenter oblata suscipiunt. Dum autem vir deo devotus frater Bernhardus nimia famis inedia grassaretur nihil collegit. Sed quam cito micas et crustas vel buccelas ab offerentibus accepit totum tam cito comedit. Sicque rediens ad predictum lapidem de elemosina omnino nihil secum detulit. Veniens itaque pater Franciscus collectam secum elemosinam portans ostendit socio dicens. Ecce frater mi elemosina quam mihi [359a] divina largitas donavit. Et tu siquid habuisti appone ut in dei nomine pariter manducemus. Tunc frater Bernhardus timore perterritus ad pedes pii patris humiliter se prostravit dicens. Sancte pater confiteor peccatum meum. Nihil de elemosina mecum sustuli sed oblatum mox comedi quia valde esurivi. Hoc audiens S. Franciscus pre gaudio lacrimis irrigatus amplexans fratrem Bernhardum magna voce clamavit. Vere beacior me es o fili dulcissime. Tu es vere perfectus sacri evangelii observator. Quia nihil congregasti nec aliquid tibi in crastinum reservasti sed cogitatum tuum in domino totum iactasti.

Proposals for an Agreement with Scotland, c. 1363

THE annexed document (Public Record Office, Exch. T. R. Scottish Documents, 2/17) appears to have escaped the notice of Mr. Joseph Bain. I am inclined to fix the date about 1363 and to regard it as a portion of the negotiations between David II and Edward III which resulted in the abortive project for the recognition of Edward as heir to the Scottish throne.¹

CHARLES JOHNSON.

[Chirographum.]

Memorandum quod pro bono pacis pro omni clameo homagii renunciando pro terrarum per Regem Anglie occupatarum restitutione Et pro successione relinquenda illis de Regno Scocie quibus de iure debetur iste vie in generali tacte per privata consilia fuerunt et locute. Prima via fuit quod exheredatis sue terre in Regno Scocie existentes concederentur et aliquibus aliis personis per Regem Anglie nominandis certe terre de Regno Scocie darentur pro quibus Regi Scocie homagium et servicium debitum facerent, et facere tenerentur. Secunda via quod per Regnum Scocie Regi Anglie de certo numero hominum ad certum tempus subveniretur. Tercia via quod ultra solutionem pecunie pro redempcione Regis Scocie debite pro bono pacis et terrarum per Regem Anglie omnino (?) restituendarum certa summa pecunie daretur secundum quod inter tractantes poterit concordari Et si sic tractantes (?) in nulla via istarum viarum ad plenum poterunt concordari via alia esset partes concordando de qualibet viarum predictarum.

⁴ MS. fama.

¹ Cf. Bain, *Cal. of Documents relating to Scotland*, IV, p. xiii and Nos. 91 and 92.

The Authorities for the Case of Richard Hunne (1514-15)

MOST accounts of the case of Richard Hunne are based upon those given in Hall's Chronicle¹ and Foxe's *Acts and Monuments*.² Both these writers, however, reproduced the greater part of an anonymous tract,³ which in the original has a preface containing an allusion to the death of Tyndale, and therefore cannot be earlier than 1536.⁴ Hall, who includes in the list of authors from whose works he derived his chronicle, 'diuers Pamphlettes, the names of whom are to moste menne unknowen,' reprinted this one almost in full, though not accurately;⁵ and Foxe transcribed Hall's version.⁶ One of the most serious errors in that version occurs in a sentence very often quoted,⁷ part of a letter ascribed to the bishop of London, which in the original runs :

... assured am I if my Chaunceler be tryed by any xij. men in Londō they be so maliciouslie set in fauorē hereticae prauitatis / that is ar so set apōn the fauoure of heresie / y^t they will cast and condemne my clarcke / thowght he war as innocent as Abel.

Hall, or his printer, changed 'my' into 'any', and the mistake has remained current ever since.

Much that has been written, not only on Hunne's case, but on the problem of the amount of 'heretical pravity' existing in England at the beginning of the reign of Henry VIII is based directly or indirectly upon this tract; hence the question of its value as evidence is of some importance. One would be inclined to regard as of no value whatever the evidence of an anonymous pamphlet published more than twenty years after the events of

¹ Under the year 6 Henry VIII.

² Vol. iv, pp. 183 *seqq.* of any one of the four complete editions published between 1837 and 1877, and variously known as Cattley's or Townsend's or Pratt's.

³ I pointed this out some years ago in the *Victoria History of London*, i. 247.

⁴ *The enquire and verditte of the quest panneld of the death of Richard Hune wich was founde hanged in Lolars tower.* I have discussed the date of this tract and given some bibliographical details in *The Library*, April 1914, p. 220. Only three or four copies are known to exist: two (one imperfect) in the British Museum, one in the library of Corpus Christi College, Cambridge, and part of one in that of St. Paul's Cathedral. All are of the same edition. The preface is an interesting expression of anti-clerical feeling at a time when it was possible to write: 'The light is now broken forth (thanks be to the Lorde) mager their beardes/and they brought in no small feare of sodaine ruine of their kingdome/yet by cause they se the world hath not fully forsaken their deceyuable doctrine in all places/they hope of a change/and haue their secrete conspirisies deuised with all sotteltie to bryng that to pas.'

⁵ He omitted the preface and the marginal comments, and his version differs from the original in many details of wording besides those noticed.

⁶ In the first edition of the *Acts and Monuments* (1563) pp. 390 *seqq.* He made some alterations in that of 1570 (ii. 934 *seqq.*), which are adopted in those of 1837-77 (iv. 190 *seqq.*).

⁷ The authority for it now usually given is *Letters and Papers, Henry VIII*, II, no. 2, which summarizes Foxe's version of the bishop's letter.

which it treats, even if its internal discrepancies had not been declared inexplicable by Gairdner,⁸ after a close examination of the text. But some testimony in favour of two of its sections is furnished by the records of the Corporation of London.⁹ An entry in the minutes of the Court of Aldermen¹⁰ during the mayoralty of George Monoux (November 1514–15) runs as follows :

Martis xvij^o die aprilis

᠓ Recorder Capell Haddon Aylemer Jenyns Atcheley Boteler Rest Exmewe
Brugge Milburn Shelton Fenrother Grey Aleyn Yerford Mundy Vicecomites.

for a
communication
w^t the Bysshop
of london.

᠓ Capell
᠓ Haddon
᠓ Recorder
᠓ Brugge
᠓ Milburn
The Commen Clerk

Named & appoynted by this Court to speke w^t the Bisshop of London for certeyn perillous & haynous wordes as ben surmysed be hym to be spoken of the hole body of the Citie touchyng heresy specified in a Copy of a letter supposed to be wreton by the seyd Bysshop

This shows that words not unlike those of the tract were in fact attributed to Bishop Fitzjames in April 1515.¹¹ Also the details given in the coroner's 'Inquisition' with which the tract concludes are in accordance with the customs of the city¹² regarding the number of jurors and their impanelling from particular wards—matters on which a writer trying to forge such a document would be very likely to go wrong.¹³ Moreover, the

⁸ *The English Church in the Sixteenth Century*, c. iii, pp. 29–30 and *passim*. It is, however, clear, from the use that Gairdner himself, in his reconstruction of the story, made of the part of Hall's Chronicle consisting of the tract, that he did not regard its evidence as altogether worthless, although his reasoning appears to lead to that conclusion. As he was unaware of the existence of the tract, he made Hall responsible for its defects: see pp. 27 and 40.

⁹ My acquaintance with these records is but superficial, and it is probable that an exhaustive search among them would throw further light upon Hunne's case.

¹⁰ Repertory III, fo. 17 v. This entry has already been noticed in the *Victoria History of London*, i. 247, where the date 1517 should be 1515.

¹¹ Gairdner (*op. cit.*, p. 30) notices that the heading of this section of the tract describes Wolsey as cardinal, and must therefore be later than September 1515. But it may well have been added after that date, either as an endorsement on the original or by the compiler of the tract.

¹² For these see R. R. Sharpe, *Calendar of Coroners' Rolls*, p. xiv. The rolls for the sixteenth century have disappeared, except one dated 1590 (*ibid.* p. vii, note).—Mr. A. H. Thomas, Dr. Sharpe's successor as records clerk, pointed out to me that the first phrase of the document in the tract, 'The inquisicio intendend take . . .' must in the original have read 'The inquisition indented, taken . . .', and that with this correction its form is quite regular, except that it does not contain the customary last clause about the property of the murderer (see G. Jacob, *New Law Dictionary*, ed. 1739, under 'Coroner'). It is curious that Hall, lawyer as he was, did not notice this: he or his printer altered the phrase to 'intendid and taken.'

¹³ Hall himself contradicts the tract he was about to reprint by stating 'xii. men were charged before the Coronour.'

discrepancies noted by Gairdner¹⁴ would disappear if the first section of the tract, which he was led by its opening words to regard as the report of the jury drawn up at the inquest held in December 1514, could be dated two or three months later. Now Sir Thomas More says¹⁵ that the 'matter was many tymes in sundry places examyned', especially one day at Baynard's Castle before 'dyuers grete lordes spyrytuall and temporall and other of the kynges honourable counsayle', and Hall, that the jurors were 'many tymes . . . wyth the kynges counsayll and hard their opynions'. This suggests that they were ordered to reconsider their verdict, and if so the compiler of the tract may have been using the final report, very badly drafted, which they made to the council, and in which were combined a statement of the reasons for their original decision with copies of depositions afterwards taken which appeared to provide further justification for it.¹⁶

It thus seems not improbable that the tract is a collection of genuine documents, with a preface and marginal notes added by the compiler. But it cannot be assumed that even in his version, much less in those of Hall and Foxe, they are accurately printed; and their statements, made at a time when the city was overwhelmed by a wave of excitement and party clamour, cannot be accepted without reserve. Hence the evidence of the tract is at best third rate, and might well be neglected in any general consideration of the state of religion in England at the beginning of the sixteenth century. It is not necessary even in dealing with the special case of Richard Hunne, since enough independent material exists for a coherent account of that, which might be based mainly upon records, some original, others, though only preserved in the pages of Foxe, almost certainly genuine.

Such an account would have to begin with some reference to three movements in which Hunne was involved: the attacks on ecclesiastical jurisdiction which culminated in the Parliament of 1515, the strife between the London citizens and their clergy on the question of offerings, and the undercurrent of Lollardy. For the first it is probable that most of the authorities, except the Journals of Parliament, are mentioned in vols. i and ii of the *Letters and Papers, Henry VIII*; but other material may exist, for example among the judicial and administrative records not included in that collection. For the second there is much material in

¹⁴ These are even more serious than appeared in the version he was using, for in the tract itself one of the depositions is dated 14 February 1514-15—a detail omitted by Hall and consequently by Foxe.

¹⁵ *Dyaloge*, book iii, ch. xv.

¹⁶ Compare their allusions to 'my Lorde of Londons booke' (i. e. statement of the case), which could not have been drawn up till after the inquest, and to a witness whom the summoner, Charles Joseph, had already 'brought before the kynges counsell'.

the City records,¹⁷ some in those of the ecclesiastical courts of the diocese of London,¹⁸ two documents in the *Letters and Papers*, i, no. 5725 (i)¹⁹ and ii, no. 1315.²⁰ For Lollardy in London at this period there are the entries in the Episcopal Register relating to cases in 1509 and 1511, of which those concerning Joan Baker, whom Hunne was accused of defending, are printed below (no. 1);²¹ and there is also a good deal of scattered information²² to be gathered from Foxe, the London chroniclers, the Chancery Significations at the Record Office, and the records of ecclesiastical courts.

For the trial of Hunne there is a series of five documents, four of which, however, appear to be extant only in the pages of Foxe.²³ In using them one has to remember that his summaries are trustworthy only up to a certain point: he does not insert what is not in the original, but he often omits particulars there given, especially charges accusing the heretics of opinions he did not share.²⁴ (1) A summary of the articles objected against Hunne when he appeared before the bishop of London, 2 December 1515. (2) A summary of a notice read by the preacher at Paul's Cross the Sunday after his death (i.e. 10 December), containing additional articles collected from the prologue of his English Bible.²⁵ (3) A summary of the rules drawn up for the

¹⁷ References to some of this will be found in the *Victoria History of London*, i. 249-50.

¹⁸ Extracts from these were printed in 1847 by Archdeacon W. H. Hale, in *A Series of Precedents and Proceedings, 1475-1640*; see pp. 64-87. Compare Colet's *Convocation Sermon* of 1512.

¹⁹ The original of this cannot now be found at the Record Office.

²⁰ This is the same document as vol. i, no. 5725 (ii), and it may be connected with the Parliament of 1512-14 instead of that of 1515, and so be an antecedent instead of a consequence of Hunne's case.

²¹ Those concerning the other case, that of Elizabeth Sampson, are printed in *The Reign of Henry VII from Contemporary Sources* (edited by A. F. Pollard), iii. 242-6.

²² I collected some, but by no means all, of this in the *Victoria History of London*, i. 234-8.

²³ *Acts and Monuments* (ed. 1837-77), iv. 183-4, 186-90.

²⁴ See *ibid.* pp. 174-5. Foxe's summary of the charges against Elizabeth Sampson (*ibid.* p. 126) omits those accusing her of erroneous belief with regard to the ascension of Christ and the resurrection at the Last Day.

²⁵ All of these were evidently derived from the General Prologue prefixed to some of the existing copies of what is usually called 'the second Wycliffite version' (see the *Church Quarterly Review*, li (1901), 291-6), though either Hunne's gloss, or the compiler of the articles, or Foxe in summarizing them, made a statement about the sacrament of the altar more definitely 'heretical' than those in the original. It has been suggested that a manuscript of that version now in the library of Corpus Christi College, Cambridge (see Dr. M. R. James's *Catalogue*, i. 336) is the actual copy that belonged to Hunne, on the ground that certain passages marked, in a hand said to be that of Blythe, bishop of Lichfield and Coventry from 1503 to 1530, correspond to some of those collected by his accusers. But Blythe is nowhere mentioned (though other bishops besides Fitzjames are) in connexion with Hunne's case; and Mrs. W. J. Harrison, who has kindly examined the manuscript for me, finds that the correspondence is by no means so exact as to warrant such a deduction. Some of the passages which are the originals of the thirteen articles in Foxe's summary are not

procedure at his condemnation, 16 December. (4) The bishop's sentence against him, which gives a good deal of information about the case. (5) The bishop's letter relinquishing his body to the secular power (16 December), lately discovered by Miss E. J. B. Reid at the Record Office, and printed in full below (no. II).

These documents, however, deal only with the case of heresy : for the circumstances of Hunne's death and the agitation which followed the authorities are of a different character. The earliest is a letter dated 3 March 1514-15 to the papal collector for England, Cardinal Hadrian de Corneto, from his London representative, Polydore Vergil, who was trying to prevent Ammonius from securing the collectorship. In the well-known summary of this in the *Letters and Papers, Henry VIII*, ii, no. 215, the allusion to Hunne is barely recognizable and appears disconnected from the rest of the letter, but in the original²⁶ the connexion is clear. The unseemly contest had been going on for some time ; Ammonius had begun to grant dispensations, in spite of an inhibition,²⁷ and had lately been aided by papal briefs to the king and the bishop of Winchester (Fox) in one of which were ' multa inconsiderate explicata que possent gignere in Ecclesia dei scandalum ingens '. The king and Wolsey were on his side, but Fox supported Polydore Vergil, and before 15 February had written in reply to the Pope

bonas literas quibus palam docuit quanta afficiamur iniuria, quantumque scandali ex ista re hic ortum sit. Et presertim nunc propter unum hereticum nuper a londoniense episcopo poena mortis affectum populo passim in Clerum reclamante, et iam iam sevient, nisi Maiestas Regia furorem-
comperceret.

The first printed account of Hunne's case is in the second edition of the contemporary chronicle in Richard Arnold's *Customs of London*, c. 1521. There are references to it in Simon Fish's *Supplicacyon for the Beggars* (c. 1528) and Sir Thomas More's *Supplicacyon of Soulys*. In More's *Dyaloge* a whole chapter is devoted to a discussion of it, which is mentioned in Tyndale's *Answer* (1531). All these sources of information are of course independent of the tract, and so probably is the account in Wriothesley's chronicle. Later than the tract are the two paragraphs introducing the reprint of it in Hall's chronicle (1542 ?); the account in book xxvii of Polydore Vergil's history

marked, and there are marks against many which are not represented there. Hunne's Bible was popularly supposed to have been destroyed with his body, but More (*Dyaloge*, book iii, ch. xv) states, ' whyther the boke be burned or secretlye kepte I can not surely saye.'

²⁶ Cotton MS. Vitellius B. ii, fo. 123 (old numbering : 148 new). Some words missing in the sentences quoted have been supplied from Ammonius's copy on fo. 127 (154).

²⁷ The ' certain legal documents ' of the *Letters and Papers* include ' unam dispensationem ab harenario post inhibitionem factam, insolenter concessam '.

(1555),²⁸ which is particularly interesting as giving the impression left upon the mind of a foreigner who was living in London at the time; and the few additions (apparently gathered from papers belonging to Hunne's grandson)²⁹ made by Foxe in the second edition of the *Actes and Monumentes* (1570) to the information he derived from Hall (including the tract) and from the London Episcopal Registers. One of these additions refers to the efforts made to bring about the restoration of Hunne's property (which would have been forfeited to the king as that of a condemned heretic³⁰) to his children. With this object two bills were introduced into parliament in the spring of 1515. The entries concerning them are very inaccurately printed in the *Journals of the House of Lords*, but the one in which the sense is most seriously affected has lately been printed from the manuscript by Professor A. F. Pollard.³¹ Two documents at the Record Office³² throw some light upon this aspect of the case: a grant dated 1523 to Hunne's daughter, Margaret Whaplod, and her husband, of all her father's property; and a petition to Cromwell, not earlier than 1536, from which it appears that she and her family were then in poverty. Her husband seems to have been administering some at least of the property about 1529,³³ but it is possible that the family did not recover it all, and that an endeavour to obtain redress in another direction led to the composition of an undated letter, printed by Foxe, purporting to be a royal order to Dr. Horsey to compensate Hunne's children for the death of their father and the waste of his goods. Brewer doubted and Gairdner denied the authenticity of this, but the latter suggested that it may have been a draft to which it was desired to obtain the king's signature.³⁴

²⁸ p. 645.

²⁹ *Acts and Monumentes* (editions 1837-77) iv. 198.

³⁰ By 2 Henry V, ch. 7. If it had been decided that Hunne committed suicide, the property would have been forfeited to the city (*Historical Charters of the City of London*, edited by W. de G. Birch, p. 53). On the other hand, unless he were protected by 'benefit of clergy', Dr. Horsey's goods would have been similarly forfeited if he had been convicted of murdering Hunne, and by the custom of the city they ought to have been seized and put in charge of one of the sheriffs after the inquest. See above, p. 478, n. 12.

³¹ *Transactions of the Royal Hist. Soc.*, 3rd series, viii. 37-8. Professor Pollard has pointed out to me that Gairdner (*op. cit.* p. 40) misunderstood the entry for 3 April. The king's signature was not 'premature', since the bill affected his interests, and 'deliberetur' here means 'should be discharged' (i. e. thrown out).

³² Summarized in *Letters and Papers, Henry VIII*, III. ii, no. 3062 (4) and vol. xv, no. 1029 (65). The editors of Foxe (Townsend's and Pratt's editions, iv. 725) refer to the latter by its number under the old classification, among the Chapter House Papers.

³³ Foxe, v. 27.

³⁴ *Ibid.* iv. 197-8; *Letters and Papers, Henry VIII*, II, no. 3, n.; *The English Church in the Sixteenth Century*, pp. 39-40. It is to be regretted that this letter, if admitted to the *Letters and Papers* at all, was inserted as early as 1515. Foxe was, of course, wrong in describing it as a warrant 'to redeliver all the said goods', since Hunne's property could not in any case have fallen into the hands of Dr. Horsey.

One more authority remains to be considered: Keilwey's well-known account of the controversy in 1514-15 about the privilege of benefit of clergy,³⁵ by the use of which Horsey 'fuit preserve hors del temporals maines . . . iesques a le temps que le grand rumor del dit Hunne fuit ascunment abate, et que ils ussent fait son peace oue le roy pur le dit murder.'³⁶ This seems to have been accepted almost without qualification by F. W. Maitland,³⁷ whose verdict on such a point can hardly be questioned; but it may be noticed that the dates indicated in it are difficult to reconcile with those to be gathered from other sources for the events of the years 1514 and 1515.

Nevertheless, however doubtful the chronological details may be, it is certain that it was during the same parliament as discussed the question whether Hunne was murdered in a bishop's prison that

periculosissime seditioes exorte sunt inter Clericum et Secularem Potestatem, super Libertatibus Ecclesiasticis, quodam fratre Minore nomine Standishe omnium malorum ministro ac stimulatore.³⁸

The coincidence was not merely one of time. Standish was doubtless encouraged to maintain an opinion contrary to that of the 'spiritualty' in general by the knowledge that he had the city behind him. At least twice within the last century friars had been accused of heresy for supporting the citizens in their quarrels with the 'curates' or parochial clergy,³⁹ and Hunne's case was an incident in such a contest. Moreover, Standish was defending an act which limited the jurisdiction of the ecclesiastical courts, and Hunne had tried to invoke the statute of Praemunire against one of those courts, while the circumstances of his death had involved in the gravest suspicion two of their officials. It is significant that the contemporary chronicler Arnold, himself a London citizen, specially mentions 'the temperall Lawe' as responsible for the verdict of the inquest, while 'the spirituall Lawe' condemned Hunne as a heretic. Probably the mass of his fellow citizens never regarded him as a heretic at all, in spite of the pains their bishop took to convince them. The impression remaining in London may be summed up in the words of the later chronicler Wriothlesley: 'Hunn . . . was made an heretique for

³⁵ *Relationes quorundam Casuum* (1602), fo. 180^v-185^v.

³⁶ *Ibid.* fo. 185^v.

³⁷ *Roman Canon Law in the Church of England*, pp. 87-9. Also by Gairdner, *op. cit.*, p. 43. But cf. Brewer, *Letters and Papers, Henry VIII*, ii. no. 1313, n. In his introduction, however (pp. ccxxii *seqq.*), Brewer also seems to accept the report as substantially accurate.

³⁸ *Journals of the House of Lords*, i. 57; cf. *Letters and Papers, Henry VIII*, ii. i, no. 1312 (vi).

³⁹ *Victoria History of London*, i. 248, 249; cf. 238.

suing a Praemunire.'⁴⁰ His suit would have been watched and discussed as a test case, the result of which affected every one of the citizens; ⁴¹ he, like Standish, was a champion in whose fate they were all interested. Significant, too, is the personal intervention of Henry VIII in the affair,⁴² for it may be that the unsuccessful effort made by a London citizen to wield the great weapon of praemunire first suggested to the young king its possibilities in other and mightier hands.⁴³

Thus the history of the Reformation in England has to take account of Richard Hunne, not chiefly because of his connexion with the latent Lollardy whose existence may have been not without effect upon its course, nor even because he took a prominent part in that contest between the London clergy and their parishioners which embittered their relations during some of its most critical years: but because his case was an episode in the conflict between the two jurisdictions, spiritual and temporal. It can only be rightly considered in relation both to the case of Standish and to the obscure parliamentary history of the years 1512-15, when began the dissensions which, though stifled for a time by Wolsey, were to end in the complete defeat of the spirituality in the parliament of 1529-36.

E. JEFFRIES DAVIS.

I.

London Episcopal Register Fitzjames, fo. 25.

Articuli Crimen heretice pravitatis concernentes contra Johannam Bakar uxorem Gervasii Bakar parochie sancte Margarete in Brigestrete civitatis london' super crimine heresis suspectam obiecti et per eam confessati.

First we lay Inquire and aske of the the forsaide Johan that thow art Abydyng and dwellyng within the parishe of saint Margaret in Brigestrete

⁴⁰ *Chronicle* (Camden Soc.), i. 9; cf. Keilwey, *op. cit.*, fo. 182, and Fish, *Supplicacyon for the Beggars* (Early Engl. Text Soc.), pp. 9, 12, and note the pains taken by Sir Thomas More in his *Supplicacyon of Soulys* and *Dyaloge* to deal with this point. More's reiterated assertion that Hunne was cited for heresy before he began the suit of praemunire can be accepted without affecting the argument above, since the accusation of heresy may not have attracted much attention until the praemunire suit had brought him into public notice. But compare the assertion in the bishop's sentence (Foxe, iv. 189) that when he was first summoned before convocation 'apprehendi non potuit'. Possibly the officials dared not arrest him just then.

⁴¹ Compare what More says in the *Dyaloge* of Hunne's hope to become famous by the result of the praemunire suit, 'and haue his matter in the yeres and termes called Hunnes case.'

⁴² See Polydore Vergil's letter, *supra*, p. 481; his *Anglicae Historiae Libri xxvii* (1555), p. 645; More's *Dyaloge*, book III, ch. xv; Hall, *Chronicle* (ed. 1809), p. 573.

⁴³ A few months later the judges decided that the members of convocation who had taken proceedings against Standish "fueront en le case del *Premunire facias* etc.' Keilwey, *op. cit.*, fo. 184'.

of london and by reason thereof, art of my forsaid lorde of london diocese and jurisdiction, fatetur

Also we lay and purpose to the that thou art cristenyd and expresly professid unto the holy faith of Criste and to the determinacions of our moder holy church And by reason of this holy sacrament of Baptyme and profession unto the saide holy Faith and religion of crist, thou hast utterly renuncied all manor of false errors, erronyows doctryns and opynyons contrary and a gaynst the determinacions of our moder holy church, fatetur hunc articulum & omnia & singula in eodem contenta

Also we lay and object a gaynist the that it is not lefull for the nor eny other and most specially lay person for to make dowghtes reason or dispute pryvyly or opynly of the faith of cristie or of the determinacions of our moder holy church or of the absolute power of our holy father the pope or for to move or holde ony erroneus opinions disputacions or questions a gaynst the determinacions of holy church, fatetur etiam hunc articulum & singula in eodem contenta

Also we lay and object a gaynst the, that every cristened person, man and woman, techyng, preching, instructyng upholdyng defendyng or belyvyng of the articules of the Faith and determinacions of our moder holy church, other wyse then our said mother holy church holdith techith prechith instructith upholdith defendith and belyvyth, or makith any new erroneus exposition determination of opinions or pretense lernyng obstinately contrary unto the saide Articules and determinacions of holy church is an heretik and as an heretyk to be takyn holden and reputed, ad hunc articulum respondet affirmative

Also we lay and objecte to the and a gaynst the that every heretike so frowardly erroneusly and obstinately belevyng theching preching or defendyng and dampnably goyng from the trew determinacions of our moder holy church is in the same dede doyng excommunicat and acursed be the law, fatetur eciam hunc articulum & omnia & singula contenta eiusdem

Also we lay and object a gayn the that thou knowist or belevyst that in the parish of saynt Margaret a fore said and in other placis of the city of london thou art sore deteete suspecte and defamyd a pon certyn errors and false opinions of heresy as heraftur doth folow, Ad hunc articulum respondet quod non novit nec credit quod est diffamata vel suspecta de heresi infra parochiam sancte Margarete predictam vel alibi, et si sit aliqua fama sive infamia contra eam laborans in & de premissis quod non fatetur dicit illa infamia incepit ex malis dictis & relationibus cujusdam mulieris vocate Odians Wiff & curati dicte ecclesie parrochie sancte margarete

Also we lay and object to the that it belongith to my lorde of london ordinary in this behalf and his officers to examyn correcte and reforme such maters and to punyshe them that be Gilte and culpabill in such maters and crimes and all other, fatetur eciam hunc articulum & omnia contenta eiusdem

Also we lay and objecte A genst the that thou said to sir John Cawode then beyng parische prist of saint Margaretes a for said in the dwellyng hous their the xvij day of September last past that thou wolde do no

—more reverence to the Crucifyx in the church then thow wold do to a dogg for thei be but stockes and stones etc prout in articulis contra eam porrectis & propositis

fo. 25 b

This be the Articuls and opinions that Johan Bakar the wif of Gervis Bakar Citezin and taylor of london inhabitant in the parishe of sainte Margarettes in Brigestret of london did holde

First the saide Johan Bakar saide to sir John Cawode prest then beyng parishe prest of sainte Margaret a bove saide in hur dwellyng hous ther the xvij day of September last past that she wold do no more reverence to the crucifix in the churche then she wold do to a dogg for thei be but stockes and stones

Also she saide unto the saide John Cawod prest that she was sory that she had gon in so many pilgimages as to saint Saviors and dyverse other pilgimages, And they beyng but mawmentes and false goddes

Also Wher as oon Thomas Blake of london Taylor lyng in hys deth bed shuld have had the crucifyx broght and laide be fore hym as the laudable custome is in the citie, the said John⁴⁴ reportid the saide wordes be fore the saide preest ther then present, that the said crucifix was not to gif confidence nor trust in but as a fals god

Also the said Johan reported be fore the said priste that she cold here a better sermond at home in hur howse than any doctor or priste colde make at poules crosse or any other place

Also the said Johan affirmith that she knew the sacrament of the Alter or any other of the sacramentes better then any curat or prest did

Also Wher as the said prest and the said Johan wer in comunicacion of the brennyng of the lady yong for suche opinions as she toke the said Johan saide that she dyed a martir be fore god and she be sought god that she myght dy no wors then she did, And then the said sir John said she shulde be brent as she was and as many as takyth hur opinions

Also Wer as oon Sampsons Wiff dwellyng in aldermanbury late was detecte for heresy the said Johan said that she was punyshed for sayng the trewth

Also the said Johan affirmyth that ther shall never prest cum butte oon

Also she holdyth opinion that our holy father the pope hath no pooer to gif no pardon for the salvacion of mannys soule with many other hereticall oppinions which she will be fownd within the examnyng of hur.

*Abiuracio dicte Iohanne
Bakar de & super articulis predictis*

In the name of god Amen Be fore Almyghty god the father the sonne the holy gost And all the holy cumpany of hevyn and you master Thomas Heede Doctor of law And Commyssary to the most reverent Fader in god lord Richarde by the sufferance of god Bishop of london myne Ordinary and diocesan my Juge in this behalf sufficiently deputyd and ordeyneyd I Johan Bakar otherwise callid Gervis the wiff of Gervis Barker⁴⁵ of the

⁴⁴ Sic in Register (for *Johan*).

⁴⁵ Sic in Register.

parishe of saint Margaret in brigestrete other wise callid saint Margarettes in new Fyshe strete of the city of london of my forsaide lordes diocese and jurisdiction Knowlege and opynly confesse that I wrechid Synner lyke no trew cristen woman erroneusly and wikkydly contrary unto the Faith of criste and contrary to the laws ordinance and determinacions of holy church fo. 26 oft and many tymys have spokyn publiced rehersed and techid many and dyvers erroneus and dampnable opinions and poyntes And in especiall thes poyntes folowing that is to say that I have said publishid and rehersed that the Images of saintes in the churche of god were but ydolls and not to be worshippid nor honorid And also that the Images of the holy Crucifyx set up in the church of godd for the remembrance & representacion of cristes holy passion and ower redempcion was not to gef truste ne confidence in ne to be hadd in honor and reverence And also that [I]⁴⁶ ofte & many tymys have spokyn rehersed and tawght many and dyvers oppinions a gaynst goyng of pilgremages unto Images of saintes affermyng myself to be sory that I had goon so many ways in pilgremages as I had doon And also I have spokyn a gayn offering to be made unto the Images affermyng that the Images in the churche be set up but of covetesnes of prystes and to make them riche Thes forsaide opinions dampnable in especiall be me confessid with all other in generall a gayns me provyd with all other here before you Master Thomas heed doctor & commissary before said I utterly forsake all and iche of them and synguler theis my forsaide wyckkyd saynges and oppinions in especiall and all other in generall And do renounce forswere and abjure them and every of them with all oder for ever more Promittynge and I promitt be this writen boke and the holy contentes of the same by my⁴⁷ here bodely and corporally tochid with my hand and kyssid with my mowth my self never to returne to them or any of them nor fall to any other nor to reherse or speke any more or to holde and publishe ne teche them or any of them or any other from hens forthe while my lyff shall endure In wisse herof I have subscribid this present wrytyng and made this signe with my own hand⁴⁸

II

Chancery Significations. File 126. Public Record Office.

Excellentissimo in Christo principi et domino nostro domino Henrico dei gratia Regi Anglie et Francie et domino hibernie, *Ricardus* permissione divina London' Episcopus in eo semper prospere regnare, Cujus Regnum et imperium in eternum manet. Vestre regie celsitudinis maiestati tenore presentium innotescimus et certificamus, Quod Nos in quodam heretice pravitatis inquisitionis negocio contra Ricardum Hune, de parochia Sancte Margarete in Brigestrete London' nostre iurisdictionis dum vixit iam defunctum, nuper ventilato rite et legitime procedentes, Quia per acta actitata deducta exhibita et probata atque per dictum Ricardum dum vixit coram nobis iudicialiter confessata, Comperimus et invenimus, dictum

⁴⁶ There is an unintelligible sign here.

⁴⁷ Sic in Register.

⁴⁸ This entry is undated, but from its place in the Register can be assigned with much probability to May 1511.

Ricardum crimine heresis irretitum et reum fuisse et esse, Ideoque eundem Ricardum defunctum, Ut hereticum pertinacem sive obstinacem impenitentem et super crimine heretice pravitatis reum et convictum condemnavimus et excommunicavimus, Corpusque suum ecclesiastica carere debere sepultura pronuntiavimus et declaravimus, Ac ipsum et corpus sive cadaver suum huiusmodi brachio et potestati seculari iuxta sanctiones canonicas et legitimas laudabilemque huius incliti regni vestri hactenus in hac parte usitatam et observatam consuetudinem commisimus et reliquimus nostram per sententiam iusticia id exigente. Vestre igitur regie maiestati humiliter supplicamus quatenus quod reliquum est pro dei amore et fidei catholice conservatione facere, exequi dignemini graciose. *In cuius rei testimonium Sigillum nostrum presentibus apponi fecimus. Dat' in palacio nostro London' xvi die Mensis Decembris Anno domini millesimo quingentesimo quartodecimo, Et nostre Translationis Anno Nono.*⁴⁹

*An Assessment of Italian Benefices held by the Cardinals
for the Turkish War of 1571*

AMONG the letters and documents of Cardinal Giovanni Ricci (now preserved in the Ricci archives at Montepulciano) relative to the time preceding the battle of Lepanto is the following paper (no. I), of which there are two earlier drafts with slight variations. It was written just before the death of Cardinal Carlo Grassi in 1571, one of the chief promoters of the Christian league under Pius V, as appears from his name being entered in the list and a note begun at the end to say that he was dead, but erased. It gives the taxation of the cardinals in 1571, called a Donation, and the accompanying letters (nos. II-IV), which I print in a translation, account for the manner of expenditure of 40,000 other gold scudi imposed by Pius V upon the twelve monastic congregations of Italy for 1571 to pay for arming the pontifical galleys.¹ The first letter was written by Cardinal Ricci at the age of 76, and the summary of the answer at the end of the same sheet in the original is in the handwriting of Cosimo I, grand duke of Tuscany. The Venetians are excluded from the donation, Pius V having granted them a separate decree empowering them to exact 200,000 scudi from their clergy for five years.²

A. EDITH HEWETT.

⁴⁹ For the text of this document I am indebted to the kindness of Miss Eleanor J. B. Reid.

¹ The congregations were the 'Cassinesi, Certosini, Lateranesi, Olivetani, Camaldolesi, del S.S. Salvatore, Vallombrosani, di San Giorgio d'Alga, Cisterciensi, Girolamini, Crociferi, e Celestini'. Gaetano Moroni, *Dizionario di Erudizione Storico Ecclesiastico*, &c., xix. 186, art. 'Decime'.

² *Ibid.*

I. *Benefitii in Italia con il valore, eccettuato il Dominio Venetiano di xlviii Illustrissimi Cardinali che contribuiscono al Donativo delli scudi 30.000 d' oro.*¹

Non sottoposti al donativo.

Sottoposti al donativo.

4000 MORONE²

Il Vescovato d' Hostia vale scudi 3500 d' oro in oro ma sono impegnati per 10 anni scudi 1000 per la fortezza³ restano 2500, li quali ridotti in moneta con l' aggio a .5. per cento che essi si riduce tutto l' oro fanno scudi 2875

Il Vescovato di Modena scudi 3100 simili che fanno di moneta scudi 3565

La Badia di frossenoro Diocesi di Modena scudi 667

La Badia di san Martiano di Tortona scudi 1696 25

La Prepositura di s. Pietro in Monforte di Milano scudi 805

La Prepositura de Carati Diocesi di Milano valutata scudi 300 ma per non essersi goduti li frutti l' anno passato non si è posta nella distributione sino per 200 simili, che ridotti in moneta fanno scudi 230

Summano in tutto scudi moneta 9838

42783 TRENTO⁴

Il Vescovato di Porto si affitta scudi 3100 l' anno di moneta ma delle xii parti ne sono cinque del Capitolo di s. Pietro et restano al detto Ill.mo Cardinale scudi 1808

5000 AUGUSTA⁵

Il Vescovato di Pelestrino [*sic*] scudi 200

60000 FARNESE⁶

Il Vescovato di Tuscolano scudi 450

La Badia di Farfa scudi 2800

La Badia delle Trefontane scudi 5000

La Badia di Grottaferrata scudi 3300

La Prepositura di Parma scudi 1000

La metà delli frutti della Badia di Lucedio scudi 4200

scudi 16750

¹ Published by the kind permission of Marchese Giulio Ricci Paracciani.

² Giovanni Morone, of Milan, cardinal of Ostia and president of the council of Trent. Sent by Paul III in 1536 as nuncio to Ferdinand king of the Romans, and would have been president of the council of Spire, but that contrary orders were received from Rome. b. 1509, d. 1580.

³ The fort of Ostia, re-erected for Cardinal della Rovere, later Julius II, by Giuliano da Sangallo, was considered of great importance, the Turk having actually come to the mouth of the Tiber in the time of Paul III.

⁴ Cristoforo Madruzzi, of Trent. d. 1580.

⁵ Otto Truchsess, of Augsburg. d. 1573.

⁶ Alessandro Farnese, archbishop of Avignon and patriarch of Jerusalem. d. 1589.

13000 URBINO ⁷

Il Vescovato di Sabina	scudi	260	
L' Arcivescovato di Ravenna scudi 6500 d' oro in oro che fanno di moneta	scudi	7475	
La Badia dell' Avellana 5000 simili che fanno di moneta	scudi	5750	
La Badia di Casteldurante 550 simili che fanno di moneta	scudi	632	50
La Badia di san Lorenzo in Campo	scudi	1000	
Una Pensione di scudi 1000 d' oro in oro sopra Cre- mona che fanno di moneta	scudi	1150	
	scudi	16267	

. MONTEPULCIANO ⁸

L' Arcivescovato di Pisa vale scudi 4700 di moneta delli quali ne paga all' Ill.mo Cardinal de Medici 2520 simili per la Pensione, restano a s. s. Ill.ma scudi	2180
Una Pensione di ducati 300 di Regno sopra Monopoli, li quali condotti a Roma con perdita di 15 per cento per li cambi che cosi si riducono tutte le altre monete di Regno, restano	scudi 255
	scudi 2435

4500 PERUGIA ⁹

Il Vescovato di Perugia	
La Badia di Pietrafitta Diocesi di Perugia	
San Valentino membro dell' Arcipretato di Perugia	
Una Pensione di scudi 1000 d' oro sopra il Vescovato d' Aversa valutata tutta insieme la sodetta Intrata in	scudi 3450

4500 PISA ¹⁰

Li frutti del Vescovato di Troia	
L' Arcipretato d' Ortona in Abbruzzo	
La Badia di s. Martino di Reggio di Calabria	
San Fantino nel Castello di san Lorenzo pur Diocesi di Reggio	
Santa Maria del Chero Diocesi di Mileto	
Una Pensione di ducati 500 di Camera sopra Mantua Valutata tutta insieme la sodetta intrata in	scudi 2000

25000 STROZZI ¹¹

La Riservazione de frutti del Priorato d' Albano	scudi 900
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⁷ Giulio della Rovere. d. 1578.⁸ Giovanni Ricci, cardinal of San Vitale, nuncio in Spain and Portugal. Sent to the Armata at Corfu immediately after the defeat of Prevesa to inquire into its cause and report to Paul III. b. 1495, d. 1574.⁹ Fulvio Corneo, of Perugia. d. 1583.¹⁰ Scipione Rebiba, archbishop of Pisa and patriarch of Constantinople. d. 1577.¹¹ Lorenzo Strozzi, of Florence. d. 1571.

4000 SAVELLO¹²

L' Arcivescovato di Benevento

La Prepositura di Canosa

Li frutti del Vescovato d' Agobbio

Il Priorato di Piacenza

Una Pensione di scudi 200 di moneta sopra il Vescovato di Catanzaro

Valutata tutta insieme la sodetta Intrata in scudi 3500

. SANGIORGIO¹³

Il Vescovato di Novara scudi 2580 d' oro in oro che fanno di moneta scudi 2967

La Badia di san Benedetto di Gualdo scudi 400

Li frutti della Badia di Monte Santo valutata scudi 300 di moneta l' anno ma perchè non si godono li frutti sino il 3.o anno della distribuzione si mette scudi 100

Una Pensione di scudi 290 d' oro in oro pagata dalla Coita di Vercella [*sic*], sopra la Badia di s. Stefano dell' Illustrissimo Cardinale di Vercelli che fanno di moneta scudi 333 50

Un'altra di 60 simili sopra la Parrocchiale di s. Bartolomeo di Casanova nel Cremonese et di s. Materno di Comacchio nel Lodesano fanno scudi 69

Un'altra di xv simili sopra un Canonicato di Vercelli fanno scudi 17 25
scudi 3886. AMULIO¹⁴

Il Vescovato di Rieti scudi 500

Una Pensione di scudi 500 d' oro in oro sopra Turino che fanno di moneta scudi 575
scudi 10751000 CORREGGIO¹⁵

L' Arcivescovato di Taranto

La Badia di Santa Maria de Fellonica nel Mantuano

La Badia della Trinità Campagnola in Calabria

Valutata tutta insieme la sodetta intrata in scudi 6000

. GAMBARA¹⁶

Il Vescovato di Viterbo

La Badia di san Lorenzo di Cremona

¹² Iacopo Savello (or Savelli), of Rome, archbishop of Benevento in succession to Cardinal Farnese. d. in 1587, aged 75.¹³ Giovanni Antonio Sorbelloni, of Milan, cardinal of San Giorgio in Velabro. d. 1591.¹⁴ Marcantonio Amulio, of Venice, cardinal of San Marcello. d. in Rome 13 March 1570, aged 65.¹⁵ Girolamo Austriaco, of Correggio, archbishop of Taranto and prefect of Ancona and La Marca when Selim II was menacing the Christian armies. He erected several forts on the coast of the Adriatic, and died in Rome in 1572.¹⁶ Gianfrancesco Gambara, of Brescia, of the counts of Virola. d. in 1587, aged 54.

	La Badia d' Acquanera Diocesi di Brescia et distretto di Mantova		
	La Badia di san Spirito d' Ochri diocesi dell' Aquila		
	Valutata tutta insieme la sodetta Intrata in . scudi	7000	
10000	BORROMEO ¹⁷		
	L' Arcivescovato di Milano scudi 6200 d' oro in oro che fanno di moneta scudi	7130	
	La Badia d' Arona 2000 simili che fanno di moneta scudi	2300	
		scudi	9430
10000	ALTEMP ¹⁸		
	La Badia di Chiaravalle scudi	6000	
	La Badia di Casanova d' Abbruzzo ducati 1000 di Regno fanno di moneta a Roma scudi	850	
	La Badia di sant' Angelo in Volto vale 5000 ducati di Regno ma non godendosi li frutti sino dui anni della distribuzione si mette per 3/2 che sono a Roma scudi	2834	
	La Badia di Tovenna di Salerno scudi 500 di moneta ma perchè non si possede il primo anno si mette sino per dui terzi che sono scudi	333	
	La Badia di Casanova in Piemonte scudi 3500 d' oro in oro ma perchè è sottoposta a cariche del Re si mette per dui terzi solo che ridotti in moneta fanno scudi	2683	90
	La Prepositura di Verzolano in Piemonte 570 d' oro in oro fanno di moneta scudi	657	20
	La Badia di Mirasole di Milano 2000 simili ma perchè non si godono un anno si mette per un terzo solo che sono di moneta scudi	765	90
		scudi	14124
1000	GESUALDO ¹⁹		
	L' Arcivescovato di Consa vale condotti a Roma scudi	2200	
	La Badia di Santa Maria in Ilice nella Diocesi di Consa scudi	1000	
	La Badia di Taranto scudi	400	
	La Badia di Voltorara scudi	200	
		scudi	3800
.	SERMONETA ²⁰		
	L' Arcivescovato di Capua scudi 3100 d' oro in oro che fanno a Roma di moneta scudi	3565	

¹⁷ Carlo Borromeo, of Milan, friend of San Filippo Neri. d. in 1584, aged 46.

¹⁸ Marco Silico Altemps, count of Altemps (Hohenembs). d. in Rome in 1595, aged 72.

¹⁹ Alfonso Gesualdo, of Naples, of the princes of Venosa and counts of Compsa. d. 1603.

²⁰ Niccolò Gaetani Sermoneta, archbishop of Capua. d. 1585.

	La Badia di san Leonardo di Puglia 3900 simili fanno di moneta	scudi	4485
	La Badia di Faenza 400 simili fanno di moneta	scudi	460
	La Badia di Sermoneta 200 simili fanno	scudi	230
	Il Priorato di Turino 600 simili che fanno di moneta	scudi	690
	Una Pensione sopra Bisignano di 733 simili fanno di moneta	scudi	850
		scudi	10280
60000	FERRARA ²¹		
	La Pieve di Bondeno 2000 d' oro in oro fanno di moneta	scudi	2300
	La Prepositura di Pomposa 3000 simili fanno di moneta	scudi	3450
	Il Priorato di Santa Agnese 275 simili fanno di moneta	scudi	315
	La Prepositura di san Benedetto di Mantua 4000 simili fanno di moneta	scudi	4600
		scudi	10665
1000	ARAGONA ²²		
	Il Vescovato di Mileto 5500 ducati di Regno che condotti a Roma fanno	scudi	4675
	La Badia di s. Vito di Taranto 700 simili che condotti a Roma fanno	scudi	595
	La Badia di Procida con quella di Canonica d' Amalfi 350 ducati simili che fanno di moneta condotti a Roma con l' aggio come di sopra	scudi	297 50
		scudi	5567
.....	COLONNA ²³		
	L' Arcivescovato di Salerno 5000 ducati di Regno che fanno a Roma	scudi	4250
	La Badia di Subiaco	scudi	4250
		scudi	8500
.....	COMO ²⁴		
	L' Arcivescovato di Manfredonia 1500 ducati di Regno che fanno a Roma	scudi	1275
	La Badia di s. Giovanni Battista di Vertimatì di Como [scudi] 700 d' oro in oro fanno di moneta	scudi	805
	Una Pensione di 140 ducati sopra un Canonicato di s. Pietro fanno di moneta	scudi	275
	Un' altra di 100 simili sopra Cremona che fanno di moneta	scudi	125
		scudi	2480

²¹ Ippolito d'Este, of the dukes of Ferrara. d. in 1572, aged 63.

²² Inigo d'Avalos d'Aragona, of Naples. d. 1600.

²³ Marcantonio Colonna. d. in 1597, aged 74.

²⁴ Tolomeo Calli, created cardinal by Pius IV in 1565 and called the cardinal of Como. d. 1607.

3000 *COMENDONE*²⁵

Una Pensione di 500 ducati di Camera sopra Mantua
che fanno di moneta scudi 626 75

*BOBBA*²⁶

La Badia di Pinarolo scudi 1800 d' oro in oro che
fanno di moneta scudi 2070

La Badia di Susa 800 simili fanno di moneta . scudi 920

La Badia di Caramagna 700 simili fanno di moneta
scudi 805
scudi 3795

1000 *SANSISTO*²⁷

La Badia di Trapezonta 212 ducati di Camera vecchi
che fanno di moneta scudi 249 70

Una Pensione di 500 ducati di Camera novi sopra
Mantua fanno di moneta scudi 625 50

Un'altra di 85 simili sopra la Badia di santo Elia et
Philareto fanno di moneta scudi 106 25

scudi 982

. *SFORZA*²⁸

Il Vescovato di Parma scudi 4700 d' oro in oro che
fanno di moneta scudi 5405

La Badia di s. Savino di Piacenza*2200 simili fanno
di moneta scudi 2530

La Badia di Santa Christina di Milano 2400 simili
fanno di moneta scudi 2760

La Prepositura di s. Donnino 600 simili fanno di
moneta scudi 690

La Prepositura di Santa Maria degli Humigliati 500
simili fanno di moneta scudi 575

La Badia di Santo Alberto di Tortona 350 simili
fanno di moneta scudi 402 50

La Badia di Santo Salvatore nel Piacentino 250 simili
fanno di moneta scudi 287 50

La Badia di Chiaravalle di fiastra 4500 simili fanno
di moneta scudi 5175

La Badia di s. Lorenzo fuor delle mure di Roma 1200
simili fanno di moneta scudi 1380

La Badia della Santissima Trinità di Mileto 2300
simili fanno di moneta scudi 2645

scudi 21850

. *ORSINO*²⁹

L' Arcivescovato di Cosenza vale di moneta . scudi 4000

Le due Badie unite di s. Nichola et Santa Maria

²⁵ Giovanni Francesco Commendone, of Venice. d. in 1584, aged 62.

²⁶ Marcantonio Bobba (or Boba), of the lords of Rossignano. d. 1575.

²⁷ Ugo Buoncompagni, of Bologna, later Pope Gregory XIII.

²⁸ Alessandro Sforza, of the counts of Santafiora. d. 1581.

²⁹ Flavio, or Fulvio, Orsino (or Orsini), of Rome, of the dukes of Monterotondo. d. in 1581, aged 51.

	Hieracen, Diocesi 800 ducati di regno che fanno di moneta condotti a Roma	scudi 680
		scudi 4680
.....	VERCELLI ³⁰	
	Il Vescovato di Vercelli	
	La Badia di San Stefano di Cittadella	
	La Badia di s. Michele di Clusa in Piemonte	
	La Badia di s. Stefano d' Iuocca	
	Valutata tutta insieme la sodetta intrata in	scudi 5500
1000	LOMELLINO ³¹	
	Il Vescovato di Serzana	
	Li dui Benefittii semplici uniti di s. Decentio et san Germano nella Diocesi di Pesaro	
	Valutata tutta insieme in scudi di moneta	scudi 300
1000	SIRLETO ³²	
	Il Vescovato di Squillace scudi 1200 di Regno li quali condotti a Roma fanno	scudi 1020
	La Badia di Santa Maria del Carra nella Diocesi di Squillace 700 ducati simili che condotti a Roma con il difalco come di sopra restano di moneta	scudi 595
		scudi 1615
.....	PALEOTTO ³³	
	Il Vescovato di Bologna scudi 7000 d' oro in oro che ridotti in moneta fanno	scudi 8050
	Una Pensione di 1000 ducati d' oro di Camera novi sopra il Vescovato di Mantua che ridotti in moneta fanno	scudi 1250
	Un' altra Pensione di 100 ducati simili sopra un Canonicato nella Cathedralre di Bologna che ridotti in moneta fanno	scudi 125
		scudi 9425
3000	ALESSANO ³⁴	
	La Badia di san Leonardo in strada nella Diocesi di Salerno	
	La Badia di Santa Croce di Sasferrato	
	La Badia di san Giovanni et Paulo di Casa Marii nella Diocesi di Veruli	
	La Prepositura di s. Spirito dell' Ordine degli Humigliati in Milano	
	La Badia del Corno la quale godendosi per due anni solo della distributione si è posta per dui terzi : Et tutte insieme son valutate le sodette Intrate in scudi di moneta	scudi 8000

³⁰ Guido Ferreri, of Vercelli. d. 1585.

³¹ Benedetto Lomellino, of Genoa. d. in 1579, aged 62.

³² Guglielmo Sirleto, of Stilo in Calabria. d. in 1585, aged 71.

³³ Gabriello Paleotto, of Bologna. d. 1597.

³⁴ Michele Bonello, known as Cardinale Alessandrino, d. 1598.

1000	ALCIATO ³⁵		
	Il Vescovato Civitaten vale di moneta	scudi	300
.....	CHIESA ³⁶		
	Le due Badie unite di Santo Abbondio et Santa Maria d' Acquafredda Diocesi di Como scudi 1700 d' oro in oro che fanno di moneta	scudi	1955
	La Badia di san Pietro di Mulegio de Vercelli 600 simili fanno di moneta	scudi	690
	La Prepositura di s. Giovanni Battista in Fiorenzola 500 simili fanno di moneta	scudi	575
	La Badia del Melanico Diocesi di Larina 500 ducati di regno che fanno condotti a Roma	scudi	425
		scudi	3645
800	MAFFEO ³⁷		
	La Badia di Santo Cutitio di Spoleto vale di moneta scudi		150
	Una Pensione di ducati 1000 sopra l' Arcivescovato di Città di Chieti che fanno di moneta	scudi	1250
	Un' altra di 100 ducati sopra la Badia di s. Gregorio di Roma fanno di moneta	scudi	125
		scudi	1525
.....	SANTA SEVERINA ³⁸		
	L' Arcivescovato di Santa Severina con l' unione del Vescovato di s. Leo vale condotti a Roma	scudi	520
.....	CESI ³⁹		
	La Badia di Santa Maria di Val di ponte nella Diocesi di Perugia vale di moneta	scudi	1400
	Una Pensione di scudi 800 d' oro in oro sopra la Badia di Chiaravalle nella Diocesi di Milano che ridotti in moneta fanno	scudi	920
		scudi	2320
.....	GRASSI ⁴⁰		
	Il Vescovato di Montefiascone et Corneto vale di moneta	scudi	5000
	La Badia di Spirito Santo in Ravenna	scudi	1700
	Il Benefitio semplice di Santa Agata in Bologna scudi		100
		scudi	6800
.....	THIANO ⁴¹		
	Il Vescovato di Thiano 600 ducati di Regno li quali condotti a Roma fanno di moneta	scudi	510

³⁵ Francesco Alciato, of Milan. d. in 1580, in his 59th year.

³⁶ Giampaolo Chiesa, of Tortona. d. in 1575, in his 55th year.

³⁷ Marcantonio Maffeo, of Rome. d. in 1583, in his 62nd year.

³⁸ Giulio Antonio Santorio, of Caserta. d. 1602.

³⁹ Pierdonato Cesi, of Rome. d. in 1586, aged 65.

⁴⁰ Carlo Grassi, of Bologna. d. in 1571, aged 52.

⁴¹ Archangelo dei Bianchi, bishop of Teano. d. 1580.

.....	MONT ³ ALTO ⁴²		
	Il Vescovato di Santa Agata 1000 ducati di Regno li quali condotti a Roma fanno scudi	850	
.....	PIACENZA ⁴³		
	Il Vescovato di Piacenza scudi 4160 d' oro in oro che fanno ridotti in moneta scudi	4784	
.....	ALDOBRANDINO ⁴⁴		
	Il Vescovato d' Imola scudi 2200 di moneta scudi	2200	
.....	RUSTICUCCI ⁴⁵		
	Il Vescovato di Sinigaglia La Badia di Santa Perpetua et Felicità di Faenza Una Pensione di scudi 200 d' oro in oro sopra la Pieve di Cartoccieto Diocesi di Fano Un' altra di 70 simili sopra dui Benefizii nella Diocesi di Cesena Valutata tutta insieme la sodetta Intrata in scudi di moneta scudi	3500	
.....	SIMONCELLO ⁴⁶		
	Li frutti del Vescovato d' Orvieto La Badia di Santo Severo et Marterio Diocesi d' Orvieto Valutata tutta insieme la sodetta Intrata in scudi	2600	
.....	ESTE ⁴⁷		
	La Reservatione de frutti del Vescovato di Ferrara scudi 6000 d' oro in oro fanno scudi	6900	
	La Badia di Bansa 200 ducati di Camera che ridotti in moneta fanno scudi	250	
		scudi 7150	
.....	MEDICI ⁴⁸		
	La Badia di s. Donnino fuor delle Mure di Pisa scudi di moneta scudi	210	
	La Badia di s. Stefano di Cintorio nella Diocesi di Pisa scudi di moneta scudi	68	25
	La Badia di s. Rimedio et s. Michele di Verruca Diocesi di Pisa scudi	315	
	La Riservatione di dui terzi de frutti della Badia di s. Savino nella medesima Diocesi scudi	1470	
	Il Titolo d' Altopasso ⁴⁹ scudi	105	

⁴² Felice Peretti, of Montalto. Became pope, as Sixtus V, in 1585.

⁴³ Paolo Burali, called the cardinal of Arezzo. d. 1578.

⁴⁴ Giovanni Aldobrandino, of Florence. d. 1573.

⁴⁵ Girolamo Rusticucci, of Fano. d. in 1603, aged 66.

⁴⁶ Girolamo Simoncello, of Orvieto. d. in 1605, aged 81.

⁴⁷ Luigi Este, of the dukes of Ferrara. d. in 1586, aged 48.

⁴⁸ Ferdinando de' Medici, grand duke of Tuscany. d. 1608.

⁴⁹ Near Lucca.

Una Pensione di 2000 ducati d' oro di Camera sopra l' Arcivescovato di Pisa che fanno di moneta scudi	2520
scudi 4688	
..... CARAFFA ⁵⁰	
La Badia di s. Pietro d' Evoli nella Diocesi di Salerno 1300 ducati di Regno li quali condotti a Roma con il difalco per li cambi come di sopra fanno . scudi	1105
La Badia di Santa Maria di Rovito nella Diocesi di Mileto 450 ducati simili fanno . . . scudi	382
La Badia di Mammola 500 simili fanno di moneta a Roma scudi	425
La Badia di s. Giovanni Terestri als. di Guardavalle 850 simili scudi	725
La Badia di s. Nichola di Calamici di Reggio fanno scudi	467
La Badia di s. Nichola del Controne 400 simili fanno di moneta a Roma scudi	340
La Badia di Santa Maria di fonte laureata 300 simili fanno di moneta scudi	255
Il Benefitio della Santissima Trinità d' Altino 100 simili scudi	885
Il Benefitio di Santa Maria di Casalpiano 70 simili scudi	59
Li dui Benefitii di s. Pietro et san Gisi di Montefalcone 24 simili scudi	20
scudi 3863	
..... ACQUAVIVA ⁵¹	
La Badia di s. Nicola di Casoli 1300 ducati di Regno che a Roma fanno scudi	1105
Le due Badie di Santa Maria in Cartigniano e di Santa Maria Ambresciano nella Diocesi di sulmona tutte due insieme 200 simili fanno di moneta scudi	170
La Badia di s. Pietro nella Diocesi di Chieti valutata 300 scudi di moneta di Regno ma per non essersi goduti li frutti il primo anno della distribuzione si mette per 200 solo che restano condotti a Roma scudi	170
scudi 1445	
Le partite de Benefitii nominati et sottoposti al donativo delli 25000 scudi ascendono alla somma di scudi	243417
Et li Benefitii che non sono nominati ne sottoposti al donativo arrivano a scudi	256583
	<u>500000</u>

⁵⁰ Antonio Caraffa, of Naples. d. in 1591, aged 53.⁵¹ Giulio Acquaviva d'Aragona, of Naples, of the family of the dukes of Atri. d. in 1574, aged 28

Li sopradicti Cardinali numero 48 hanno le sopradicte Intrate della parte sottoposti al donativo e parte non sottoposti.

Li Cardinali numero 22 restanti ⁵² hanno intrate come apresso si dirà

Et prima :

Armignacce	16000	Sans	10000
Portogallo	70000	Ramboglietto	10000
Loreno	130000	Cornaro	5000
Borbone	60000	Santacroce	2000
Granvela	16000	Delfino	6000
Varmicensi	8000	Crivello	2000
Pacecco	35000	Albano	—
Chrichi	15000	Monte	—
Ghiza	50000	Giustiniano	3000
Spinosa	32000	Monte ⁵³	2000
Chiaravalle	12000		
Madruzzo	—		
Cervantes	16000		
			scudi 500000

scudi 500000 hanno li Cardinali numero 22 et

scudi 500000 hanno li Cardinali numero 48

scudi 1000000 un milione ✓

II. Letter from Cardinal Ricci to Cosimo I, Grand Duke of Tuscany ⁵⁴

Most Serene Lord,

Being persuaded that Your Highness will have heard of the resolution and the particulars of the conclusion of the League, in order not to trouble you again, and all the more so hearing that the Secretary Concino ⁵⁵ has gone home for a little fresh air, I will only say that His Holiness for his share of the expense in this League must arm 12 galleys to be ready for the 1st of April next; and as His Holiness has not the same means of doing so as the other Princes of the League, not to fail in his obligation he must act judiciously and thinks of finding someone to arm eight galleys, only taking the payment of six as the Catholic King has several times done with others, and at the present moment with the Lord Duke of Savoy. Now I have thought from His Holiness having placed some responsibility upon me, that this affair can only be contracted principally by Your Highness or by the Signoria of Genoa, or by the Grand Master of Malta or lastly by Signor Gio. Andrea Doria. I say nothing of the Venetians who must arm a very large portion, and although I had written to some of these your Ambassador here has seen that I have retained the letters until I have an answer from Your Highness as to whether you are ready to lend yourself to this transaction or not, holding it certain that His Holiness will appreciate more undertaking the affair with you than with others, and I believe that I shall be able to arrange the matter so that,

⁵² The MS. here adds 'morte di Cardinal di Grassi', but the words are deleted.

⁵³ Apparently repeated by inadvertence.

⁵⁴ State Archives, Florence, Mediceo, filza 3735, c. 234-5.

⁵⁵ Secretary to the Grand Duke.

whereas the King pays 500 scudi a month for each galley, His Holiness should pay 250 scudi over and above for each galley, so that according to the proportion paid by the Catholic King His Holiness would arrive at paying nine instead of six. I repeat that of the 12 galleys it will be arranged that six of them will be paid for the whole year at 750 scudi the month, the other six, which make up the twelve, will only have to serve for the six summer months without pay. I believe that His Holiness, once that Your Highness contracts this affair, or else supports it in the background, will not fail you in the obligation that they will have oarsmen of your State as certain words that he has had with me lead me to believe. With no more to say I recommend myself to the good graces of Your Highness humbly kissing your hand. From Rome the 11th August 1570.

Your Highness' humble servant

THE CARDINAL MONTEPULCIANO.

III. *Minute of reply written by Cosimo*

Reply that we undertake this affair, first of all to be of service to His Holiness and Christianity as we are bound to do, secondly because we find that there are crews for ten galleys and these old and very good, so that there is no doubt of their being ready by April, but as his Reverence does not decide the agreement we shall be glad that his Reverence, when he is able, will inform us with certainty so that no time may be lost at this moment, and as soon as we have the certainty then with resolution and rapidity we will decide in the affirmative or negative. That His Holiness may be well served in this we should wish to know the will of His Holiness during the course of September because having to make five new hulls of galleys we need the time between October and April, and all this we have desired to advise His Illustriousness that His Holiness may choose his convenience, thanking His Illustriousness for his advice and amiability.

IV. *Letter from Francesco dei Medici to Cardinal Ricci regarding the ships for the War of 1571*⁵⁶

Most Illustrious and Most Reverend Monsignore my Highly Esteemed

After having seen what Your Illustriousness writes to Concino in yours of the 24th concerning the affair of the 12 galleys, and your letters of the 11th and 25th of last August refound, I say that the six galleys touching His Holiness should be paid to me for the twelve months of the year during the time that the league lasts at the rate of seven hundred and fifty gold scudi a month for each one, on the condition that the Grand Duke and I arm six others without any payment for service with these six only during the time that there is actual war against the Infidel, and that all twelve shall be ready for the 1st of next April to come. The above mentioned galleys will be provided and armed at all points as those of the Catholic King. Each galley will have three rowers to each bench, soldiers — and seamen — among which fifteen will always serve as soldiers. The Captain's galley will be paid as a galley and a half, as the

⁵⁶ Arch. Ricci. Cred. 1, Spart. 2, t. 11, p. 59.

Catholic King pays his to Giovan Andrea [Doria]; [and] ours being armed five to a bench from the mast to the stern, and four from the mast to the prow, it carries very many more seamen than the others, and likewise men at command of another kind and higher pay, and many more soldiers; besides the Master ship is heavily armed. All the galleys will obey the orders of the General of His Holiness who will leave us to provide the Captains, it not being reasonable nor customary that they should be appointed by others.

The leave must be specified in the agreements to avoid disputes in the payments.

If besides the above named men His Holiness wishes to put others on board the galleys they will be received as long as he pays and provides for them.

Now Your Illustriousness will be able with His Holiness to draw out the agreements at your will noting in them the consent of His Catholic Majesty by his letters of the 18th of last October past. And as this agreement always refers to the league and its service it appears to me to place before the consideration of Your Illustriousness that if through misfortune of Christianity the league should discontinue I should then find myself at great expense in vain, hence it would then be fair that in that case I should be compensated if not in full in part.

Let the corn from the Ecclesiastical State be granted to me for export for the requirements of the six galleys, and that amount that may be judged right for the consumption of the said six galleys. The spaces for the aforesaid clause regarding the soldiers and seamen are left in blank to arrange them for each galley to hold a hundred between seamen and soldiers. I kiss your hand, may God prosper you. From Florence the 30th November 1570.

The Servant of Your Illustriousness and Most Reverend

DON FRANC^o DE MEDICI PRINCE OF TUSCANY.

To the Illustrious and Reverend Monsignore my Highly Esteemed Cardinal Montepulciano, Rome.

Extracts from Jacobite Correspondence, 1712-1714

THE extracts here printed are taken entirely from the Archives of the Ministry of Foreign Affairs at Paris ('Correspondance Politique, Angleterre'), and I have to thank the superintendents of that institution for the unfailing courtesy which they extend to the students who visit it. I have not printed everything in Torcy's correspondence dealing with the proposed alteration of the Act of Settlement, but have made a selection which I hope illustrates the salient points. To have printed full extracts would have required far more space than can be given here and, in view of the constant repetition of the same ideas in successive letters, would not have contributed to clearness. To the documents

relating to events prior to the year 1713 Lord Stanhope had access for his *Reign of Queen Anne*, but none, so far as I know, has yet been printed in any fullness. Unless a note is added to the contrary, words in italics are in cipher in the original.

L. G. WICKHAM LEGG.

I

vol. 240 fo. 82]. *Gaultier to Torcy*, London, October 12. 1712

M. de Bolingbroke pour commencer tout debon a travailler aux affaires de Montgoulin [James III] ueut absolument scauoir qui sont ceux d'entre les *Whigs* qui luy offriront il y a dixhuit mois ou enuiron de luy rendre seruice, s'il uouloit se confier entierement a eux et suiure leurs amis en tout ce qu'ils luy conseilleroient . . . P'on m'a asseuré que P'on n'auroit commerce ny correspondance avec luy que par uotre canal seul. Jay dit a ceux qui m'ont parlé de luy depuis mon retour, les assurances que uous luy auiez données dela part de uotre Maistre, que l'eloignement n'empescheroit point qu'on ne songeât a luy quand l'occasion s'en presenteroit, sans pourtant faire tort a Prothose [Queen Anne]; P'on m'a paru satisfait de cette resolution &&c. ; Il ne faut pas sil uous plaist que *M. Prior* sache rien de tout cecy, car il me semble que *M. de Bolingbroke* luy en ueut faire un mistere.

II

vol. 242 fo. 150]. *James III to Torcy* ' de Chaalons ', Oct. 21. 1712

. . . Depuis que la correspondance avec Milord Marlborough a cessée, ce qui est plus de deux ans passé, je n'ay point eu aucune commerce avec les *Whigs* ni avec les *Tories* que ce que uous scaues, et je puis uous assurer que je n'ay point fait la moindre demarche sans que uous en ayes eu connoissance depuis les premieres nouuelles que j'ay eu du ministere present . . .

III

vol. 248 fo. 35]. *James III to Torcy*, ' Chaalons ', Jan. 5. 1713

. . . L'année 1711 Richard d'Hamilton me dit quil auoit uüe Mr Prior pendant l'este par le moyen d'un certain Nihil [Nihell] fort Intriguant est grand Ennemi de Middleton ; que Prior luy auoit fait scauoir les bonnes Intentions du ministere, mais l'auoit assuré en mesme temps que jamais on ne se fieroit a Mid[leton] :.

IV

vol. 243 fo. 194]. *Gaultier to Torcy*, London, Feb. 16. 1713. N.S.

Le seul Homme en qui on auoit icy toute confiance et a qui ie pouuois m'adresser en toute seureté, n'étant plus aupres de Mongoulin, ie croy qu'il ne s'attend pas que ie luy ecriue desormais, aussy ma-ton deffendu de le faire et ie uous supplie de uouloir bien l'en auertir. Ceux qui commençoient a auoir du goût pour luy, ont esté fort surpris quand Ils ont sceu que Richard H[amilton] n'estoit plus avec luy. Apres tout ce que iay eü

ordre de uous dire autrefois de son ecriuain et tout ce que Mathieu [Prior] uous en a dit depuis, Il semble que tout autre qui auroit entendu ses affaires particulieres n'auroit point balancé a prendre son parti et a se determiner. Mandez moy sil uous plaist le sujet de la disgrace de mon amy ; on dit icy quil a procuré au cheuallier deux jeunes Maitresses depuis quil a quitté Liury, cest une chose que ie ne scaurois absolument croire d'un homme qui depuis plus de quinze ans a mené une vie exemplaire.

V

vol. 248 fo. 309]. *Gaultier to Torcy*, London, Mar. 20. 1713. N.S.

. . . Monsieur Vanderberg [Oxford] me fit uenir chez luy il y a six jours pour me dire quil auoit quelque chose de consequence a me communiquer en particulier, en effet il m'ouurit son cœur et me fit uoir ses sentimens pour Mongoulin [James III] et lenuie quil a de luy rendre seruice aussitost que la paix sera faite. Il fera entrer Prothose [Queen Anne] dans ses ueües, il naura pas de peine car elle pense comme luy, mais il faut qu'en attendant cela Mongoulin prenne son parti et quil declare que son dessein n'est pas de demeurer toujours ou il est et quil dise publiquement et surtout deuant sa famille quil irra uoyager quand la paix sera faite tantost d'un costé tantost d'un autre, en Italie en suisse en Bauière et meme en Espagne et le tout affin qu'on ne croye pas icy quil ne reste ou il est que pour estre plus pres de ses parens et plus a portée de prendre des mesures avec eux en cas de necessité & & &

Notre amy Vanderberg souhaite meme et uous en prie tres fort de faire en sorte que cela puisse estre mis dans uotre Gazette cest a dire dans un article d'un pais neutre dans lequel uous puissiez le nommer du nom quil porte presentement et dans celles d'hollande ; vous luy en donnerez sil uous plaist auis a luy seul et l'on uous supplie de ne point attendre sa reponse pour faire courir le bruit de son pretendu depart quia urget praesentia Turni & & &

VI

vol. 248 fo. 371]. *James III to Torcy*, Bar-le-Duc, April 18. 1713

J'ai un sensible plaisir en receuant uostre lettre du 13. de uoir mr uanderberg [Earl of Oxford] dans des dispositions a tout esperer de luy, et Il est uray que l'Impatience et le desir que j'auois de uoir mr Walters [Gaultier] en est bien augmenté, mais aussi je seray bien fâché de rien hasardé pour satisfaire ma curiosité quelque juste quelle soit. Cependant comme l'esclat d'une pareille uisite me paroist estre le seul Inconuenient, je croyois que si Il ne uas pas a S.^t Germain et quil se tient caché a sa cour il pourroit aisément s'echaper pour me uoir de la maniere que j'ay deja dite dans ma derniere en me donnant auis auparauant du lieu, du jour et de l'heure ou et quand je pourray le rencontrer.

Si mon uoyage aux eaux, y put apporter le moindre obstacle, ou causer le moindre retardement dans les affaires qui me regardent, je le pourray sans difficulté remettre, y allant plus par précaution et amusement, que pour un ueritable besoin ; mais en ceci comme en toute autre choses, je me regleray selon uostre sentiment et sur celuy de mr Vanderberg. Son

amour pour sa patrie et la justice jointes a sa sagesse consommée font que je suis en repos de voir mes interests entre ses mains, et l'Idée que je m'estois toujours formé de luy a souuent dissipes les apprehensions qu'une longue silence auoit causées, et qu'il uient presentement de rompre d'une maniere a me faire tout esperer de luy et a luy faire toute esperer de moy lorsqu'il aura executés ses bonnes Intentions, je ne doute point qu'il n'ait prouue toutes les difficultes quil y pourra rencontrer, le danger de proposer une pareille affaire au parlement, ou apres tant de loix qui y ont esté faites, personne peustestre n'oseroit repondre a l'objection de ma religion, si elle y fut faite.

L'Utilité de me faire uenir dans l'Interualle d'un parlement; ou apres mon arriué mes amis animés par ma presence et les autres deconcertés par un coup si Impreuvé, Iroient mesme peustestre au deuant de tout ce qu'on pourray souhaitter d'eux.

Enfin la necessité ou Il est pour son Interest aussi bien que pour le mien de prendre avec moy les mesures conuenables en cas de la mort de Prothose [Queen Anne], que Dieu ueuille conseruer longtemps, et au default de qui, quel autre appuy peut il trouuer que moy, en faissant mes affaires il fera les siennes, et en me rendant la premiere place, Il se conseruera la seconde. Ces reflexions et bien d'autres ont esté faites certainement Il y a longtemps par mr Vanderberg (*sic*), uous en ferez l'usage que uous jugerez a propos, je me trouue en suretes entre uos mains et approuue le retranchement du terme de *maintenant*¹ dans la copie que uous uoules faire, l'attention que uous y aues faite est une nouvelle marque de votre amitié j'y suis plus sensible que je ne puis exprimer, et uous en demande la continuation, avec uos aduis sur tout ce qui me regarde, contant sur uous comme sur le meilleur de mes amis et a qui j'ay des obligations sans fins.

J. R.

VII

vol. 244 fo. 70]. *Memorandum by Gaultier* (Paris) n.d.

Le cheuallier desire scauoir quel parti il prendroit si la Reine uenoit a mourir subitement, Walter [Gaultier] le demandera aussitost qu'il sera de retour a Londres et l'en informera sur le champ.

Il ne conuient pas absolument pour le present que Vanderberg [Oxford] souure dauantage au sujets des mesures quil prendra dans la suite pour faire plaisir au dit cheuallier.

Il importe peu ou le cheuallier passé l'hyuer pourueu quil s'eloigne de la france et quil ne se trouue pas dans un lieu ou le duc de Marleboroug pourroit le rencontrer.

Il est necessaire que sans perdre du temps il fasse scauoir ses uolontés aux Seigneurs non jureurs et Catholiques qui dependent de luy de l'autre costé de la mer.

Il faut l'exorter a la patience car l'impatience gêteroit ses affaires et mettroit ses amis hors detat de luy rendre seruice et luy dire qu'il y aura bien des choses qu'on ne confira qu'a Monsg. le marquis de Torcy, mais quil scaura dans la suite.

¹ Not in cipher.

VIII

vol. 246 fo. 39b]. *Gaultier to Torcy*, Paris, July 12. 1713

M.^r Prior croit quil n'est pas a propos que ie mande au Tresorier ce que Mongoulin [James III] a fait en consequence du memoire que ie luy ai enuoié en arriuant icy il y a deux mois ny les ordres quil a enuoiés en Ecosse.

IX

fo. 66b]. *Torcy to Duc d'Aumont*, Marly, July 31. 1713

J'adjouteray que je ne vois nul empressement de la part de Prior pour faire retourner Gaultier en Angl.^{re}, encore moins de demonstrations de zele pour les interets du Chler de S.^t George. Je crois pour vous dire la verité qu'en bon Anglois il songe principalement a luy mesme.

X

vol. 250 fo. 23^v]. *Torcy to James III*. Versailles, October 29. 1713

. . . Je croy pour moy qu'on est encore plus aise d'euter de s'expliquer presentement, et cette grande reserue reuient fort a ce que Pecour [Prior] qui parle presentement avec beaucoup d'ouverture sur Robison [James III] ne cesse de me dire. Il pretend qu'il ne luy faut que de la patience que le tems et ses ennemys trauaillent pour luy, et que pourueu qu'il viue on luy fera justice. Il croit que M. Albert [Queen Anne] ne seroit pas bien aise de la luy faire toute entiere, et que la crainte d'y être obligé est peut être ce qui arreste l'effet de ses bonnes Intentions. Qu'elles paroissent plus promptement si lon pouuoit donner des seuretez de laisser les choses a peu prez comme elles sont. Les gens a qui lon a affaire sont fort timides, et ce n'est pas vn petit ourage que celuy de leur inspirer assez de resolution pour aplanir les voyes de la maniere que M. de Raucourt [James III] le peut souhaiter. Il ne sera certainement rien oublié pour le seruir . . .

XI

vol. 247 fo. 60]. *Gaultier to Torcy*, London, n.d. (re.^{cd} Nov. 30. 1713)
in cipher

Il est absolument necessaire a ce que dit mylord d'Oxford que Mongoulin pour ses propres interets et le repos de ses amis aille passer le Carnaval a Venize dou il pourra reuenir a Cologne. Je luy ay repondu qu'il ne pouuoit faire ce voyage sans argent, sans saufconduit et sans scauoir si en son absence on auroit soin de ses interets. Il ma promis quil parleroit de ces trois choses a la Reyne et qu'il m'en rendroit reponse mardy prochain.

XII

vol. 247 fo. 121]. *Gaultier to Torcy*, enclosure (in cipher)
in letter of Dec. 7. 1713

Suiuant le sentiment de la Reyne et de M. de Bolingbroke notre amy restera tant qu'il voudra en Lorraine. Nous verrons la semaine prochaine ce qu'en pensera M. le Comte d'Oxford.

XIII

vol. 247 fo. 135]. *Gaultier to Torcy*, London, Dec. 14. 1713. N.S.

. . . Le cheuallier peut rester en Lorraine mais il faut absolument quil fasse publier dans le monde et surtout que sa famille le croye et en soit persuadée quil a dessein de voyager en Italie et d'aller a Venise pour y passer le Carnual et ensuite quil reuiendra a Cologne ou dans quelque autre ville d'Allemagne ; comme il y a des gens aupres de luy qui ecriuent icy regulierement toutes les postes, il est necessaire quil mandent la resolution de leur maistre et sans perdre de tems. On ne sera point faché de le voir a Cologne quand la paix sera faite avec l'Empereur et l'Empire. Son oncle y estoit quand il reuint en Angleterre. *M. le Grand Tresorier* m'a dit que sil auoit esté a Venise beaucoup d'Anglois qui voyagent en Italie n'auroient pas manqué de l'aller voir, ce quil noseroient faire tant quil sera en Lorraine car il ny a point de pretexte de voyager de ce coste la. *Sil a dessein de reuenir icy m'a dit M. le Comte d'Oxford il faut qu'il se comporte comme s'est comporté le Roy Charles second son oncle* sur la fin de son exile et quil suiue en tout la methode dont ce Prince s'est seruy pour ramener a luy ses peuples quil laisse faire aux *Wights* et a la maison d'*Hannover* tout ce quil uoudront, plus ils trauailleront a luy faire du mal et plus il luy fairont du bien. Il faut prier le Seigneur que la Reyne viue quelques années, car si elle mouroit presentement et subitement tous ceux qui la seruent seroient perdus et le Cheualier n'en seroit pas mieux a ce que me disent ses amys et en un tel cas, ils n'auroient aucun conseil a luy donner . . .

M. le Comte d'Oxford qui craint toujours de trop s'expliquer sur le chapitre du cheualier a cause des gens qui sont aupres de ce Prince ma neantmoins dit quil ne consentiroit iamais tant quil uiueroit que l'Angleterre fût gouuernée par vn Allemand, que je pouuois vous asseurer que le prochain Parlement disposera tellement les choses qu'il faudra de necessité que le Cheualier reuienne aprez la mort de la Reyne, pourvû quil se comporte desormais comme il le doit par rapport a ses propres Interests, et qu'il imite la conduite de Charles Second son oncle. Croiriez uous Monseigneur que le Roy de Sicile a proposé et propose actuellement son second fils pour succeder a la Reyne et qu'il consentira si on l'écoute quil soit eleué dans la Religion Protestante. *M. le Comte d'Oxford n'est pas de ce sentiment la, mais M. de Bolingbroke pourroit bien en estre* quoy quil m'a dit plus d'une fois qu'il estoit seruiteur de l'autre. Je suis bien aise d'informer Uotré Excellence des desseins et des ueües de Sa Maj^{te} Sicilienne si par hazard elle ne l'estoit pas deja. C'est mons.^r le grand Tresorier qui me fait part de cette derniere nouvelle.

XIV

vol. 247 fo. 156^v]. *Gaultier to Torcy*, London, Dec. 19. 1713. N.S.

. . . Il [*M. le Comte d'Oxford*] est bien aise que le Cheualier se soit deffait du Comte de Myddleton comme mr. Prior luy a mandé qu'il auoit fait ; vous ne doutez point Monseigneur que ie nais pris cette occasion la pour luy dire ce quil falloit luy dire sur cet Article . . . Son auis est que les sottises que la Maison d'*Hannover* et les *Wiggs* ont faites et quilz feront dans la suite auanceront bien les affaires dudit Cheualier et plus que ses meilleurs amis . . .

XV

vol. 253 fo. 165]. *Iberville to Torcy*, London, Jan. 23. 1714 (in cipher)

. . . Voyant Monseigneur que M. de Bolingbroke entroit sans peine en conversation sur le cheualier je luy ay demandé s'il scauoit que la P.^{se} Elisabeth Sophie et le Duc d'Hannover sont sur le point de renoncer a la couronne d'Ang.^{re} en faueur du P.^{ce} d'Hannover, comme il n'en auoit aucune connoissance, je luy ay dit tout ce qui m'en est reuenû, scauoir que les Wigghs ayant fait reflexion que la Princesse Elisabeth Sophie ne pourroit a lage ou elle est faire la dilligence qui conuiendroit a leurs interests pour se rendre icy aussytost apres la mort de la Reyne, et que le Duc d'Hannover de son costé, ne montre pas vn grand penchant a venir en Angleterre en aucun tems Les Wigghs dis je ont jugé qu'il seroit a propos que le droit immediat a la couronne fust acquis au Prince. M. de Bolingbroke a repondu que les loix d'Angleterre ne permettent pas de telles renunciations sans le consentement du Parlement et qu'il seroit a souhaiter qu'on en vint a le demander, me laissant entendre qu'en ce cas le Parlement seroit en droit de regarder comme nul tous les actes precedents concernant la succession.

XVI

vol. 253 fo. 268]. *Gaultier to Torcy*, London, Feb. 5. 1714 (postscript)

. . . Je vous enuoie la lettre que iecris aujourdhy au chevalier, elle ma esté dictée a plusieurs reprises *par son amy le C^{te} d'Oxford* qui croit quil na point dautre parti a prendre que celui qu'il luy propose et il m'ordonne encore de luy marquer quil fait bien de mesnager et de rechercher les Ecossois, mais quil ne se doit pas flater qu'il reuiendra iamais en Angleterre par leur moyen et par la force et il soutient quil ny aura iamais que l'affection du peuple qui sera capable de le remettre sur le Trone de ses ancestres apres la mort de sa seur : Mathieu [Prior] doit absolument ignorer tout cecy.

Ce modele de declaration a esté dressé par le meme et ien ai tiré cette copie.

Il est necessaire quil quitte la Lorraine et quil soit pendant la seance du Parlement ou a Treues ou a Coblenz ou chez les Suisses autrement il y aura des addresses presentees a la Reyne. Lon uous prie de me faire reponse sur ce que je uous écris touchant ce Prince et quil garde le secret jusques a ce quil ait pris sa resolution finale. Je nay pas manqué de dire tout ce qu'il falloit dire pour justifier ce Prince et faire entendre que la religion quil professe ne doit point empecher son retablissement, mais on s'est moqué de moy.

Il ne faut pas quil fasse aucune demarche sur ce que l'on luy propose, sans en donner auis icy.

Bientost on enuerra l'homme qu'on a promis.

XVII

vol. 261 fo. 120^v]. *Gaultier to Torcy*, London, Jan. 26. 1714

Malgré toute la Confiance que M. d'Oxford a en moy, il ne peut pourtant se résoudre a me reprendre positiuement sur les questions que je luy fais

touchant Montgoulin [James III], ce n'est pas quil ait peur ni de vous ni de moy, mais il craint ceux qui environnent ce Prince, voyez neantmoins ce qu'il me repete chaque fois que nous sommes ensemble.

Le Prince qui ueut succeder a la Reyne Anne aura toujours un grand auantage etant né en Angleterre, sur son competeur, car les bons Anglois ne s'accommoderont iamais d'un Prince Allemand qui ne leur fait deja que trop entendre qu'il les gouvernera ² *in virga ferrea*²: Pour estre Roy d'Angleterre il faut professer la Religion du pais etablie par les loix, si on est hors d'Angleterre, il ne faut pas songer a y rentrer par conquete car les Anglois ne souffriront iamais qu'on les conquere, la uoye des Ecossois est toute la plus mauuaise qu'on pouuoit prendre, il ne faut pas les auoir pour Ennemis, au contraire il faut bien les mesnager et leur promettre adroitement plus qu'on n'a dessein de leur tenir. Il est necessaire qu'il imite la conduite du Roy Charles Second a commencer depuis la bataille de Worcester jusques au tems de son retour en Angleterre; loïer en toutes occasions les manieres et les coutumes des Anglois leur faire quelquefois des reproches meslés de tendresse et d'amitié, bien recevoir ceux qui sous pretexte de uoyager passeront dans les endroits ou il sera; se comporter d'une telle façon que la Reyne et ses ministres n'ayent rien a luy reprocher ny les Ennemis du present gouvernement a entreprendre contre sa conduite, plaire au Peuple en luy faisant entendre qu'on ne touchera iamais a ses Priuileges ny a sa liberté ny a la religion; s'il ueut faire toutes ces choses la, on pourra prendre des mesures pour applanir le chemin et faire dire a la Reyne Anne ce que le grand Tresorier de la Reyne Elisabeth fit dire a cette Princesse lorsqu'elle etoit au lit de mort. Il luy demanda quel etoit celui qui luy deuoit succeder; elle luy repondit d'un ton et d'une uoix ferme que le Trône etoit le Trône d'un Roy et qu'elle declaroit Jacques premier Roy d'Ecosse pour son successeur. uoila les propos qu'on me tient toutes les fois qu'on me rencontre.

XVIII

vol. 253 fo. 247]. *Iberville to Louis XIV.* London, Feb. 5. 1714 (in cipher)

. . . Il seroit difficile de rapporter a V^{re} Maj.^{té} diuers traits qu'il [Bolingbroke] lascha sur lesquelles je crois pouuoir asseurer hardiment a V.^{re} Majesté que ce ministre connoist bien le Duc d'Hannover et le veritable Interest de l'Angleterre mais qu'il est persuade qu'il n'y aura jamais rien a faire pour le cheualier tant qu'il sera Cath.^e pas mesme en epousant vne P.^{se} Protestante.

XIX

vol. 261 fo. 160]. *Gaultier to Montgoulin (James III)* London, Feb. 6. 1714 (a copy by Pecquet)

. . . Il est absolument necessaire que vous dissimuliez vôte Religion ou que vous la changiez entierm.^t pour professer celle de votre pays etablie par les Loix. Ce nest pas moy qui vous donne ce conseil, le caractere que je porte me le defend et vous ne deuez pas vous attendre qu'aucun Cath.^e Romain vous le donne, car suiuant ses principes et sa creance il ne le peut ny ne le doit; cest a vous a vous consulter et a demander au Seigneur

²⁻² Not in cipher.

qu'il vous fasse connoistre le party que vous devez prendre et ce que vous devez faire pour sa plus grande gloire, et pour sauuer vne nation qui sans vous ne scauroit jamais être heureuse ny tranquile.

Il faut que vous preniez bien garde de faire aucune demarche qui puisse donner de l'inquietude a la Reyne votre sœur pendant sa vie, ny causer du trouble a ses ministres. Vous devez en toutes occasions marquer l'amour que vous avez pour vos compatriotes malgré l'éloignement qu'ils paroissent auoir pour vous. Vous devez leur promettre beaucoup et leur tenir mieux vôtre parole que le Roy vôtre Pere ne leur a tenu la sienne ; loïer leur conduite et leurs manieres sans affectation, leur bien faire entendre que vous ne toucherez jamais a leur Religion, a leurs loix ny a leurs Priuileges, mesnager adroitement les Escossois en leur faisant esperer plus que vous ne leur accorderez, ne jamais songer quelque chose qui puisse arriuer a vous seruir d'eux pour reuenir en Angleterre, car les Anglois ne souffriront jamais qu'on les conquiere. Souuenez vous que vous êtes né Anglois et que par consequent vous avez vn grand auantage sur vôtre competitor qui est allemand et qui ignore parfaitement la langue angloise, et qui ne fait desja que trop entendre aux bons Anglois qu'il les gouvernera ³ *in virga ferrea*³. Vous devez prendre grand soin de bien recevoir tous ceux qui sous pretexte de voyager iront vous voir ou par curiosité ou pour prendre langue avec vous. Faites bien valoir les peines et les souffrances que vous endurez dans vôtre exile.

Vôtre patience, vôtre sagesse et vôtre discretion, les sottises et les emportemens des Wights et des P.^{ces} de la maison d'Hannover et le soin que vos amys prendront dans le tems de vos affaires, vous rameneront certainement dans votre Pays natal.

Ne vous flatez pas que vous y pourrez jamais reuenir par la force et par les armes, lon m'asseura qu'il n'y aura que ce que je vous marque cydessus joint a l'amour des peuples qui vous remettra sur le Throsne de vos ancestres. Souuenez vous que vos compatriotes sont bien jaloux sans en auoir pourtant beaucoup, de leur Religion, de leur liberté et de leur propriete : ces trois choses ont fait echoïer tous les desseins du Roy vôtre Pere et vous devez adroitement vous en seruir pour venir about et au but de toutes vos entreprises et rentrer dans votre heritage.

Ne rebuttez personne et receuez sans acception (*sic*) tous ceux qui voudront vous voir, cherez vos amys et distinguez les d'avec ceux qui ne le sont pas, ne faites point dans le public de difference entre vn Wight et vn Thorys. Encouragez ou plustost faites encourager quand il sera a Montpellier M. de Marlborough a faire quelques demarches vers vous, ecoutez et faites semblant de recevoir ses offres. M. d'Olleron [Oxford] vous demande cette complaisance, et il a des raisons particulieres pour cela.

Mandez aux Escossois de soutenir fortement vos interests et de bien prendre vôtre party dans le prochain Parlement quand on en viendra a parler de vous, vos amys en seront contens et le desirent. Faites aussy ecrire a ceux qui n'ont pas pris les sermens de les prendre et de seruir la Reyne dans la premiere assemblée.

Soyez je vous prie assureé monsieur que de tout ce que je vous mande aujourd'huy, il n'y a pas vn seul mot de moy ce sont vos amys qui m'ont

²⁻³ Not in cipher.

ordonné de vous faire scauoir de leur part ce que vous auez a faire pour les mettre en estat de vous rendre seruice.

J'ay rendu il y a desja du tems a M. d'Olleron vôtre lettre du 20^e du mois de juillet dernier. Il m'a parû fort content aprez l'auoir lûe. Il me demanda seulement si personne ne vous auroit aidé dans cette lettre. Je l'asseuray fortement que non excepté Messrs. Talon [Torcy] et Belley [Berwick]. Il me dit qu'il estoit charmé de voir vos genereux sentimens a l'egard de la Reyne vôtre sœur, et il m'ordonna de vous remercier de tout ce que vous luy auez marqué d'obligeant et d'honnesté.

Ecrivez moy souuent et tousjours en Anglois affin que je luy fasse voir toutes vos lettres; mettez toujours quelque chose qui puisse flater la Reyne et luy faire plaisir; car je suis assureé qu'il luy montrera tout ce que vous me manderez. Ne faites jamais mention de M. Sably [Bolingbroke] ny d'aucun autre dans les lettres que je ferai lire a M. d'Oleron.

Adressez toutes vos lettre a M. Talon qui me les enverra seurement dans les siennes.

Vous m'ordonnerez dans vôtre premiere de faire des complimens a la Reyne sur le recouurement de sa santé et vous me marquerez combien vous aurez été touche lorsque vous auez appris qu'elle estoit tombée malade. Vous me direz que vous n'êtes pas du nombre de ceux qui auroient été bien aise de sa mort . . .

XX

vol. 257 fo. 271]. *Gaultier to Torcy*, London, Feb. 8. 1714

. . . que Sa Maj^{té} auoit commencé a se mieux porter, mais qu'absolument elle ne pouuoit pas viure longtems et qu'il estoit inutile de compter sur le retablissement de sa santé. Si cela est vray je ne scay de quoy deuiendront les amys et les affaires du Cheualier . . .

XXI

vol. 254 fo. 33]. *Gaultier to Torcy*, London, Feb. 12. 1714. (in cipher)

Aussytost que le Parlement sera assemble M. le Cheualier Hanmer et ceux qui pensent comme luy se joindront aux Wigghe et presenteront une adresse a la Reyne pour la prier de faire venir icy le Duc de Cambrige. M. le G.^d Tresorier scauait leur dessein et il n'en fait que rire, et m'assure que les affaires de Montgoulin [James III] en jront mieux, pour moy je ne scaurois le croire. Ce ministre pretend que Sophia, ny son fils ne consentiroient jamais que le Duc de Cambrige passe en Angleterre, c'est encore ce que je ne puis croire.

Auisez Montgoulin du party qu'il doit prendre dans vne conjoncture aussy facheuse que celle cy. Je ne scay pas trop sil ne feroit pas bien d'ecrire directement a sa sœur pendant qu'elle vit: je voudrois qu'il luy marquât l'envie qu'il a qu'elle viue et la disposition ou il est de se rendre habile a luy succeder, qu'il compte qu'elle prendra les mesures pour luy assseurer la Couronne qu'il ne cedra aprez Elle son droit a personne quoiqu'il en puisse arriuer qu'il est prest dez a present a faire tout ce qu'elle pourra desirer le luy, meme a passer en Angleterre et a se liurer

entre ses mains si elle le juge a propos, mais aussy quil suiura les mouemens et les auis de ceux qui sont attachés a luy si elle ne songe pas efficacement a luy et dez maintenant.

Il pourroit aussy ecrire en Anglois dans le meme sens et a M le G.^d Tresorier et a M de Bolingbroke ; il vous adressera ses lettres et vous aurez la bonté de me les envoyer.

Ses deux lettres aux susdits ministres seront signées le cheualier de S.^t Georges.

La suscription de celle a la Reyne sera a la Reyne de la Grande Bretagne a Londres.

Et les finira et votre frere le cheualier de S.^t Georges.

Il est aussy necessaire qu'il m'ordonne de dire hardiment ses sentimens aux ministres de la Reyne et a tous ses amis car il n'est plus presentement question de les cacher a personne.

Qu'il menage bien les Escossois desquels neantmoins il ne doit se servir que dans la derniere extremité.

M. le G.^d Tresorier m'assure encore actuellement que son cousin [Thomas Harley] ne va a hannover que pour amuser cette cour la.

Suiuant l'aui de tous les medecins la Reyne ne scauroit viure encore longtems et selon toutes les apparences elle ne reuiendra jamais a Londres. Il ny a plus de tems a perdre puisque la Reyne n'en peut reuenir, et il faut absolument sans balancer que le Cheualier fasse connoistre a toute l'Europe le dessein qu'il a de soutenir son droit et que les Anglois scachent qu'il le cede et de bon cœur pendant qu'Elle viura . . .

XXII

vol. 254 fo. 66]. *Gaultier to Torcy*, London, Feb. 19. 1714

. . . J'ai eu l'honneur de uous mander il y a quelques jours qu'il ne falloit pas compter sur le parfait retablissement de sa santé [Queen Anne], je le repete a Votre Ex.^{ce} et je vous prie d'en avertir Montgoulin qui ne doit point perdre de tems a se rendre habile a luy succeder. Comme je me suis attaché a plaire non seulement pour soutenir les interests du Roy mais aussy pour auancer ceux du Roy d'Angleterre, a ce qu'il y a icy de meilleur et de plus grand, tous les jours il y a des seigneurs qui s'ouurent a moy et qui me declarent ce qu'ils pensent de ce Prince et l'envie qu'ils ont de luy rendre seruice aussytost qu'il les aura mis en estat de le faire par les mesures qu'ils esperent qu'il prendra conformement aux Loix et costumes de son pays natal. Ils sont persuadés que ceux qui luy font entendre que la Religion ne l'empeschera point de reuenir en Angleterre le trompent et l'amusent absolument pendant qu'ils s'accommodent avec le duc d'Hannover et disposent actuellement toutes choses pour le faire passer icy dez que la Reyne sera morte et peut estre aupauroant.

XXIII

vol. 254 fo. 74]. *Gaultier to Montgoulin (James III)*, London, Feb. 22. 1714

. . . Si uous prenez quelque resolution sur tout ce que ie uous ay mandé depuis trois semaines ou un mois de la part de M.^r d'Olleron [Oxford] mandez le moy sil uous plaist par mon cousin le Borgne qui est chez uous

et faites le passer par chez M.^r Tallon [Torcy]. Souvenez vous que tous les moments sont precieux et que votre sœur ne peut viure longtems. Si vous suiuez les amis que je vous ay donnez par ordre dela part de M. d'Olleron vous le mettez dans l'obligation de vous rendre service et de se demasquer, s'il ne fait pas l'un et l'autre, et sans perdre de tems vous le mettez dans son tort et le rendrez meprisable a toute la nation, et vous serez le maistre de prendre vne autre voye et a sa confusion que si de uotre coste vous ne faites aucune attention a ce quil uous a fait proposer, il sera en droit de dire a uos amis quil uous auoit marqué le chemin mais que uous n'avez pas voulu y entrer.

XXIV

vol. 254 fo. 93]. Gaultier to Torcy, London, Feb. 26. 1714

V^{re}. Ex.^{ce} a toujours deu s'attendre qu'on proposeroit au Roy d'Angleterre de changer sa Religion et d'embrasser celle qui est etablye par les Loix de son pays, aussytost qu'il seroit question de prendre des mesures pour le faire succeder a sa sœur. Jay dit tout ce qu'il falloît dire pour empescher ses amys d'exiger de luy vn tel sacrifice, je leur ay representé qu'il les gouverneroit bien et suiuant leurs Loix et coustumes, sans changer de Religion. Ils m'ont renvoyé a Henry le Grand toutes les fois que je leur ay parlé de la sorte et en effet comme j'ay deja eü l'honneur de uous le mander et par la connaissance que iay des affaires de ce pays-cy, ce seroit absolument le tromper que de luy faire esperer que jamais il regagnera Londres sans avoir auparavant abandonné Rome . . .

J'ay desseïn de proposer a M. le C.^{te} d'Oxford d'engager la Reyne a faire son testament et a reconnoistre son frere pour successeur pouruü qu'il se conforme dans le tems a toutes les Loix et coustumes d'Angleterre et qu'il en embrasse la Religion etablie par les Loix.⁴ Si Sa Majesté fait cela, elle luy donneroit le tems d'y songer et l'empescherait de faire une demarche qui peut estre ne luy seruiroit de rien, et qui le rendra certainement ridicule aux yeux de tout le monde. & & & &

XXV

vol. 261 fo. 220]. James III to Torcy, Bar-le-Duc, Feb. 26. 1714

La derniere lettre de Walters [Gaultier] est si extraordinaire et si incomprehensible que je n'estois point surprit de ne pas receuoir de uos nouuelles avec elle, m'immaginant aisément l'embarras ou uous este sur ce que uous deuiés en dire ; cependant je ne puis y faire reponse sans en scauoir uostre sentiment et receuoir uos aduis que je uous prie de me donner avec uostre amitié ordinaire dans une affaire aussi delicate : en attendant uoici mes reflexions.

Je commenceray par ce qu'on nomme declaration et dont Walters n'explique pas l'usage, ny le temps auquel on uoudroit quelle fut publiée ; je lay fait traduire en François afin que uous puissiez en mieux juger, et quand uous l'aurez leüe, je suis persuadé que uous en penserés comme moy, qu'a peine y a t'il deux lignes dont je me pourés jamais seruir, une abjuration a la foy et une renonciation a mes droits en composent la plus grande

⁴ This was Iberville's idea, as appears from his dispatch of 25 February 1714 (ff. 83-85).

partie. Le tout est remplie d'expressions obscures, quelques unes puerilles, pas une dans le stile d'un escrit de cette nature, et le langage en est meme si mauuais qu'on auroit de la peine a croire quelle fut dressée par un anglois ; seroit il possible que M. d'Olleron [Oxford] en put estre l'auteur, et si j'estois capable de la signer quelle Idée auroit il de moy. J'y renonce a ma Religion (sans dit on aucune vuë humaine, quelle plus uisible fausseté) le plus grand obstacle a mon retablissement et puis je renonce a mes droits, a moins qu'il ne plaise au peuple de my appeler ; j'y declare que je n'aurois jamais Intention de me rendre mettre (*sic*) d'Elbeuf [Scotland] et que j'aime mieux errer par le monde que d'inquieter les anglois ; tant de duplicité, de deshonneur, et de bassesses seroient ils le moyen de me faire rappeler ; et si Olleron me propose serieusement ses Infamies, n'ay je pas lieü de craindre que cet (*sic*) un panneau ineuitable ? En les refusant je luy donne un pretexte de rompre avec moy, en les acceptant, je me rend meme indigne de uiure, encore plus de regner, et le juste objet du mepris de chaque honeste homme ; car, conscience a part, qui uoudroit se fier a moy si je changeois de Religion par un motif si grossier d'interest, et d'auantage temporel.

Pour l'autre article Il est uray que ce n'est pas mon intention d'inquieter ma sœur, sa uie durant, et que d'ailleurs je serois toujours pret de sacrifier mon repos, et meme ma uie pour ma patrie, mais de luy sacrifier mon honneur et ma conscience c'est trop, plus qu'aucun Roy ne peut atendre d'un sujet, et ce que jamais on ne me uerra capable de faire . jusques au dernier soupir par la grace de dieu je conserueray ma Religion, et jusques la je ne me donneray point de repos pour entrer dans mes droits . et si je pensois autrement, je suis sure que mr Olleron meme me mepriserait car apres tout je le croy homme d'honneur et incapable d'inspirer des sentimens qui y sont si contraires.

Pour la lettre de Walters je ne la comprend nullement, je uous la renuoye pour l'examiner de nouveau uous priant de me la renuoyer de meme, avec l'original de la declaration.

Il y a des auis que je ne scaurois suivre, comme de promettre a mr Euster [Scotland] plus que ie ne ueux tenir . et d'obliger mes amis de prester des serment contre leur conscience . l'article de la Religion me surprend, la dissimulation est pour ainsi dire pire qu'une abjuration ouuerte et j'entends mieux ma religion dieu merci que d'auoir l'effronterie de consulter le Seigneur si c'est pour sa gloire de l'abandonner.

Comment accorder cette grande Jalousie d'autrefois a l'egard des Whigs et le precepte juste et raisonnable de distinguer mes amis d'auec ceux qui ne le sont pas, avec le conseil de ne jamais faire de distinctions dans mes discours des Whigs et des Tories, et l'aduis qu'on me donne a l'egard de Malbranche [Marlborough].

Mr Olleron peut il se moquer de ceux qui luy parlent de ma sortie de lorraine comme marque le dernier extrait que Belley [Berwick] m'enuoya, et conseiller si tost apres des uoyages, et un eloignement auquel je ne puis jamais consentir.

Enfin y a t'il au monde un procedé plus Inoui que celui qu'on tient enuers la Reine, et moy ; on scait bien que le refus de la Reine de reconnoistre le gouvernement d'Angleterre, estoit la seule cause quelle n'a pas

joui de son douiare (*sic*) depuis uingt cinque ans, et on ueut qu'a present elle le reconnoisse et qu'en meme tems elle renonce a ses arrerages, que les loix memes ne pourroit (*sic*) pas luy refuser . Si apres une telle demarche elle les demandoit en justice.

On scait de meme que ma religion est le principal empechement a mon retablissement, et on ueut qui (*sic*) j'y renonce, et en meme temps aussi que je fasse dependre mon retablissement de la uolonté du peuple, en renoncant a mes droits plustost que d'inquieter leur repos.

Je uous laisse a deuiner ce que je puis penser de tout ceci, et dans quel besoin je suis de l'arriüée de cet homme de confiance promis depuis si longtemps, et sans lequel Olleron et moy, ne nous entendrons jamais . je uous prie de presser son arriüée autant que uous le pourrés, et en attendant je demande instamment les conseils de mr Rose [Louis XIV] et les uostres, pour me conduire dans une si epineuse conjoncture et dans laquelle on m'impose certainement . j'attendray comme je l'ay deja dit uostre reponse auant de rien ecrire a Walters, quand cela sera je suiures l'aduis de belley ne laissant point paroistre la moindre aigreur, j'approuue assés ce qu'il me propose d'escire, mais je ne scais comment passer sous le silence (comme il le conseille) la declaration, sans donner de fauses esperances, sur les deux principaux articles de la renonciation a ma religion et a mes droits, sur lesquels j'ay parlé a fond a Walters, la derniere fois que je l'ay uüe, quoiqu'il me paroist auoir oubliés la plus grande partie de ce que je luy ay dit alors.

Vous remarqueres s'il uous plait que cet au mois de Feurier que Walters me mande ⁵ *qu'il y auoit deja du temps* ⁵ qu'il auoit rendü a mr d'Olleron ma lettre du mois de Juillet, et quelle auoit esté bien reseüü.

Je conte que uous montrérés cette lettre a mr Belley, quand uous la ferés uoir a mr Rose, je uous prie de luy montrer en meme temps celle de Walters et la declaration, car sans cela Il ne pourra ny entendre ma lettre ny estre au fait, pour me donner des conseils dont j'ay besoin.

Depuis ma lettre escrite j'ay receü la cyjointe de Walters par le canal du Cousin, je uous prie de la montrer a mrs Rose et Belley. Vous uerés par la lecture quelle n'a pas ⁵ *besoin de commentaire* ⁵, et je uous laisse a pensér en quelles mains uous estes aussi bien que moy. de quoy n'est point capable un homme, qui auoue luymesme n'auoir ny conscience ny honneur ; cependant tant qu'il sera chez mr Alencon [in England] il est absolument necessaire de le menagér, et de ne luy donner aucun soubcon que je uous ay enuoyé sa lettre, que je uous prie de me renuoyer avec les autres papiers.

XXVI

vol. 254 fo. 116]. *Gaultier to Torcy*, London, Mar. 1. 1714 (in cipher)

. . . M. le Comte d'Oxford me dit encore hier au soir qu'il ne falloit pas tromper le Roy d'Angleterre et qu'il estoit necessaire qu'il sceut qu'il estoit docile sil uouloit reuenir en Angleterre mettre ses amys en estat de luy rendre seruice et succeder seurement a sa sœur, qu'il songeat dez a present a quitter la Religion qu'il a professée depuis sa naissance pour embrasser celle qui est etablie dans son pays par les loix, et que s'il ne le fait pas il ne

doit point trouuer mauuais qu'on ne songe pas a luy, car qui osera proposer me dit il aucune chose qui puisse faire plaisir a ce Prince tant qu'il sera de l'opinion dont il est, mais bien plus qui aura la hardiesse de le deffendre s'il est attaqué dans le Parlement . . .

Je manderay demain au Roy d'Ang.^{1^{re}} de la part de M. le Comte d'Oxford qu'il peut directement ecrire a la Reyne sa sœur, et luy marquer ses sentimens et ses intentions. Il ecriera aussy au Comte d'Oxford a M de Bolingbroke et il m'enverra ses lettres sous votre couuert. Le comte d'Oxford ma assureé que l'année prochaine on prendra dans le Parlement des mesures pour casser l'acte qui a etably la succession de la maison d'Hannover si le Chevalier embrasse la religion protestante.

XXVII

vol. 261 fo. 283]. *James III to the Earl of Oxford*, March 3. 1714

My being frequently informed of your constant good intentions for me is my greatest comfort and next to the confidence I have In the Queen my sisters kindness ; It is also what I shall neuer think I can sufficiently acknowledge, persuaded that you only want an occasion to serue me effectually . You haue it now in your hands and time is precious, for this seems to be the critical conjuncture upon which all depends. What would haue become of us had my sister failed in her last illness ? and what must still happen should she dye without first settling matters ? her recouery has giuen new life to me as her illness cast me into the last anxiety . but after all she is mortal, & cannot too soon prouide for her own, her family's & her country's happiness.

It is to facilitate, & promote her good inclinations that I here declare to you that I am willing she remain in quiet possession during her life prouided she secure to me the succession after her death ; this is too reasonable for you not to enter into it & I am persuaded you loue both her & our country too well not to promote as much as possible what alone can secure their quiet & happyness. It would be a sensible satisfaction to me to hear from yourself, & with which alone I can concur In the most proper measures to attain to the same good good (*sic*) end wee all aim at. I need not I am sure represent to you how much your interest, & aduantage is linked to mine, I know 'tis not priuate views that govern you, but your country's welfare alone, which must be inuolued In perpetual wars and diuisions, till the succession is settled in the right line, for thô I willingly yield to my sister, t'is to her alone, & I shall sooner depart from my life, then from my just right to any other, & should I think or speak otherways, I should be unworthy governing so braue and generous a people, & unworthy of your zeal for my seruice. Lett me therefore earnestly entreat you to prouide speedily and effectually for their peace and wellfare, which joined with my sister's honor and happyness, is & allways shall be my only uiew. for them I shall neuer spare pains, nor labour, nor euen my life itself. What I once promise, you may rely upon it, I shall religiously perform, & I can say with truth, that I heartily abhor all double dealings & dissimulation. All the just securities that can reasonably be asked for your religion, liberties and property I shall be most willing to grant, &

all that can be expected from a man of Principle & true honor, I am ready to comply with, & you have I know too much of both to require more of me. now you know my sentiments, you see there is no time to be lost, go therefore heartily to work, In securing the Queen my sister's happyness, my just right & our country's wellfare : In making yourself the greatest man of ye age, and in deseruing from me all that your heart can wish.

[It has not been thought worth while to print the letters of James III to Queen Anne (fo. 245) and Bolingbroke (fo. 285) inasmuch as they add nothing to what is contained in the letter to Oxford, and are in great measure couched in the same language.]

XXVIII

vol. 254 fo. 143]. *Gaultier to Torcy*, London, Mar. 8. 1714

[on a passport for James III.] . . . *Lon vous prie neantmoins de ne pas demander avec trop d'empressement ce saufconduit, car l'archiduc qui comme vous scauez n'est que trop d'accord avec la maison d'Hannover pourroit bien le donner sans se le faire demander deux fois, et le Roy d'Ang^{re}. n'auroit plus de pretexte de rester ou il est.* Notre amy Mathieu [Prior] ne doit rien scauoir de ce dernier article.

fo. 144]. *My lord Bolingbroke m'a dit que la Reyne s'attendoit bien qu'on luy proposeroit dans le prochain Parlement de faire venir icy quelqu'un de la maison d'Hannover mais qu'elle risquera plustost de perdre la Couronne que d'y consentir.* Rien ne paroist plus beau pourueu que le courage ne nous manque pas.

XXIX

vol. 254 fo. 192]. *Torcy to Iberville*, Versailles, Mar. 23. 1714

Je ne vois rien que de triste dans les reponses franches et nettes que l'on vous fait sur le cheualier. Personne icy ne luy donnera les conseils que l'abbé Gaultier ne cesse d'appuyer avec vn zele qui deuroit luy procurer l'archeuesché de Cantorbery.

XXX

vol. 254 fo. 229]. *Gaultier to Torcy*, London, Mar. 19. 1714 (in cipher)

J'ay rendu a M. le Comte d'Oxford les lettres du Cheualier. Il m'a dit en me les rendant apres les auoir leües que ny le Cheualier, ny vous, vous n'estiez nullement entrez dans ce que je vous ay mandé de sa part depuis deux mois. Il est bien faché que le Cheualier le mette luy et plusieurs autres hors d'estat de pouuoir agir pour luy en refusant de prendre les seules mesures qui conuiennent car il soutient qu'il est impossible qu'il reuienne jamais icy en conseruant sa Religion et que puisqu'il y a de l'impossibilité des deux costez il ny faut plus songer. S'il n'estoit question dit-il que de persuader vne centaine de personnes on en pourroit venir a bout, mais dez qu'il faut convaincre vne nation entiere, la chose est impraticable. S'il changeoit, ses amys comme vous me le marquez n'auroient point mauuaise opinion de luy, puisque c'est eux qui le souhaitent et soutiennent qu'il n'y a que ses ennemys qui luy mettent cela en teste parce qu'ils ont dessein de le tromper en luy faisant croire vne chose qui ne sera jamais quoyqu'il puisse arriver.

M. le C.^{te} d'Oxford m'a dit qu'il chercheroit l'occasion de faire entendre a la Reyne que j'auois vne lettre de son frere pour Elle, mais que par auance il pouoit m'asseurer que cette lettre ne feroit aucune impression sur l'esprit de Sa Maj.^{té} et qu'elle n'y repondroit pas ny ne feroit aucune demarche pour luy, tant qu'il ne se conformeroit pas a la Religion etablie par les Loix.

⁶ Prenez s'il uous plaist la peine Monseigneur de demander ⁶ a M. Prior ce qu'il en pense et s'il croit que le Cheualier demeurant Catholique pourra jamais monter sur le Trosne.

XXXI

vol. 254 fo. 264]. *Gaultier to Torcy*, London, March 26. 1714

. . . Puisque Montgoulin [James III] est dans la resolution comme il me le mande de ne point se conformer a ce que ses amys souhaitent de luy, je cesseray donc de luy ecrire comme j'ay fait depuis deux mois affin de ne point troubler sa conscience et qu'il ne me reproche pas que pour vn homme de mon caractere je luy en ay trop dit sur le sujet de sa Religion. Si je luy auois escrit de mon chef jauoüe que je me serois beaucoup trop auancé, mais je puis vous assurer, que tout ce que je luy ay mandé m'a esté dicté mot a mot.

XXXII

vol. 254 fo. 303]. *Gaultier to Torcy*, London, Mar. 29. 1714

. . . *Je ne luy parleray desormais plus de religion* comme ie uous l'ay marqué dans ma derniere lettre du 26^e de ce mois, *mais bien de ceux qui vont quitter son party pour embrasser celuy de son competeur, comme a desja resolu de faire le Grand Chancelier.* Votre Excellence demande quel sort ont eü ses lettres ; on les a trouuées fort bien ecrites et de bon sens mais un peu dans le stile de celles que le Roy de Suede escrit de Bender. Uoila tout ce que ie puis uous en dire jusques a present, on ma promis que demain au soir on me parleroit de la part de Prothose [Queen Anne]. *Le Grand Turc sera plutost Roy d'Angleterre que le Cheualier tant qu'il sera Catholique Romain ; ce sont les dernieres paroles que m'ont dit Mylord Bolingbroke et plus de trente autres. Ils m'ont aussy dit en mesme tems que s'ils concouroient a le faire reuenir sur ce pied la ils seroient obligez trois [? ans] apres son retour de se declarer contre luy, et de luy faire le mesme traitement que leurs Peres ont fait au sien . . .*

Mylord Bolingbroke est persuadé que le Duc de Marlborough vous trompe, M.^r le Duc de Berwick et le Roy d'Angleterre en luy faisant esperer qu'il reuiendra avec sa Religion.

XXXIII

vol. 255 fo. 143]. *Gaultier to James III*. London, April 26. 1714

. . . *M. d'Oxford et M. de Bolingbroke ne sont pas des mieux ensemble, ils m'ont juré ce matin tous deux separement qu'aprez la Reyne ils ne reconnois- troient point d'autre Roy que vous.*

XXXIV

vol. 255 fo. 184]. *Gaultier to Torcy*, May 3, 1714

... Jay dit a mylord Grand Tresorier et a mylord Bolingbroke que j'irois volontiers trouver le Chevalier aussytost que je serois en France pour luy persuader que pour le bien de ses affaires il estoit absolument necessaire qu'il sortit de Lorraine et qu'il entrât dans toutes les veues de ses amys, mais je leur ay dit en mesme tems que je ne me chargerois point de cette commission a moins que la Reyne ne me dit Elle mesme ou me fit dire par eux ce qu'elle feroit et les mesures qu'Elle prendroit pour assurer la Couronne a son frere apres Elle, qu'on ne luy donnât de l'argent pour faire son voyage, ou que le Douaire de la Reyne ne fût payé. M de Bolingbroke ma repondu qu'il estoit de mon opinion et qu'il falloit bien qu'on s'expliquât nettement avec moy sur ce sujet . . .

Il est necessaire que le Chevalier m'envoie vn memoire escrit de sa main et en anglois de tout ce qu'il souhaite que je demande a la Reyne et a ses ministres. Qu'il ne fasse aucune mention de sa Religion, qu'il dise seulement qu'il fera tout ce qui peut convenir a vn homme d'honneur pour entrer dans toutes les veues de sa sœur et de son ministere.

XXXV

vol. 256 fo. 230]. *Gaultier to Torcy*, London, June 28, 1714 (in cipher)

Ceux qui aiment le plus le Chevalier trouvent que son sejour en Lorraine et sa Religion luy font icy bien du tort parmi les gens attachez a la haute Eglise.

XXXVI

vol. 261 fo. 310]. *James III to Torcy*?, July 28, 1714

... Vous auez bien preuë ce que pensoit Punest [Prior] d'une seconde entreuë avec Rance [Queen Mary]. Il est a souhaiter que son amy Olleron [Oxford] se declare enfin pour Robinson [James III] et alors on pourra se servir utilement de luy, mais en attendant uous faites Il me semble tres sagement de ne uous pas trop ouvrir a luy et de le tater en cas quil retourne en son pays auant de luy parler net sur les lettres que j'auois proposé luy deuoir estre rendües.

Reviews of Books

Bodies Politic and their Governments. By B. E. HAMMOND, Fellow of Trinity College, Cambridge. (Cambridge: University Press, 1915.)

THE author of this book tells us that he 'has been led by his studies' during the last twenty or thirty years 'to form one after another several different general views of political organizations and political phenomena, each of them, he believes, a little nearer to the truth than the one that preceded it.' Instead of re-editing his *Outlines of Comparative Politics*, he has preferred 'to write an entirely new book' and to investigate the whole subject afresh. In the preface to his *Political Institutions of the Ancient Greeks* published in 1895, he expressed the opinion that the comparative study of politics, so far as it is concerned with civilized peoples and governments, was in its present stage for the most part only able to produce such vague and indefinite rules that it could not be described as a science. He added, however, that all studies are 'imperfect and only half conclusive while they are in their infancy'; that many of them, 'especially among those which are based on comparisons, have progressed within the lapse of a few generations from a very lowly condition to the status of complete inductive sciences'; and he expresses the hope that comparative politics may ultimately share the same good fortune. The material for any such science is bound to be largely of an historical kind: those who do not object to the description of history as a science will agree with those who are made angry by this description in holding that the historical material will require a great deal more sifting and much more regrouping before the hope expressed by Mr. Hammond stands any chance of being realized. We are bound, therefore, to be grateful to him for being willing to reconsider from time to time the arrangements of constitutions which have hitherto seemed to him to be the best, and for recognizing the provisional character of such arrangements. This gratitude need not be the less if we apply the same principle to his latest work, and attach less importance to the tables of political communities given in it than to the incidental remarks and the comparisons of details which serve to lead to the tabulated conclusions.

In a work of this nature the treatment of detail necessarily presents questions of great difficulty. The author explains that he has gone into much greater detail in regard to ancient than to modern communities, because modern communities may be assumed to be more familiar. Perhaps the result is to produce an effect of disproportion; but no author could include everything that might possibly be thought relevant to this subject within the limits of a single volume, and his readers

must be prepared to trust to the author's discretion as to what he includes or omits. It can only be asked that insertions or omissions of detail should be treated as far as possible on some uniform principle, and that nothing essential to the argument should be omitted. It would, therefore, be unreasonable to object to Mr. Hammond that he has occasionally taken a view on modern matters of controversy without giving any details in support of his view, and indeed without suggesting that the question is one for argument at all. We may be disappointed (for example) that he should assume, without giving reasons, that it is a defect in a constitution (see p. 429 on the Constituent Assembly) to forbid the executive ministers to sit in the legislative assembly, or to provide no second legislative chamber. We may reflect that the former of these points represents a procedure of which the inhabitants of the United States of America show no signs of repenting, and that the latter is advocated in our own country by theorists and practical politicians, some of whom are entitled to respect. But though we might have hoped for a little more detail and argument, here and sometimes elsewhere, we cannot complain of the omission. The details given about ancient societies are at any rate sufficient in number. Possibly some of them are redundant. Rather more equality of treatment would certainly have been an improvement; and where enough importance is attached to the detail to cause the author to refer to it at all, it ought to be treated in connexion with the most recent work. If it be replied that it is impossible for one man to keep abreast of specialized studies in so many different fields, that is true enough: and the moral seems to be that the writer on comparative politics should secure the help of specialists in each of the departments with which he deals.

Some points may be selected from Mr. Hammond's treatment of ancient Rome, by way of illustration. The Servian wall, as well as the reform of the army, is treated without question (p. 176) as belonging to the period of the kings. Though Mr. Hammond refers in a note to Professor Botsford's *The Roman Assemblies* (p. 174: presumably also p. 187, though the statement there is slightly inconsistent with the former), he takes no account of the main theory advocated in that work, when he is dealing with its chief subject (p. 191). The reference to the Licinian Rogations (p. 248) ignores recent controversy on the agrarian laws. We are told on p. 232 that 'Polybius says definitely that all men who had the *equester census* of 400,000 sesterces were required to be enrolled for ten years'. The reference given is to Polybius 6. 1. 2, which does not appear to be right. Polybius 6. 20. 9 says something on the subject which is unfortunately much less definite. The reference given to Livy 39. 19. 4, on p. 244, dealing with this same matter, also suggests that that passage of Livy tells us more than it actually does.¹ The statement given on p. 246, merely on Mommsen's authority, is to be found in Livy 42. 4. 4. The martyrdom of Polycarp should not be placed, without question, in the reign of Marcus Aurelius (p. 299). The date 306 on p. 233 is presumably a misprint, as it is given correctly as 304 on p. 228. The opinion that 'Latin literature ended about 120 A.D.' (p. 298) is a strange one. It is to be regretted that Mr. Hammond,

¹ See Mommsen, *Staatsrecht*, 3. 499.

though he can quote the authority of great names, should have described Pompeius as making 'a stupid blunder' when he disbanded his army after his return from the East. If a man abstains from committing a great crime, he may be offended at being praised, but it is hard on him that he should be blamed. These may be considered to be details which do not affect the main argument. No doubt they are of secondary importance: but if they do not affect the argument, and no stress is laid on them, they have no place in the book, since in that case they only distract the reader from what is important. Similar remarks could be made about the treatment of other countries. Thus the account of the Greek cities often appears to give either too much detail or not enough. The details of the battle of Marathon can hardly be regarded as important from the author's point of view; but his brief notice on p. 74 contains more than one point which, if it is included at all, should have been justified. The account of the inferior classes at Sparta might well have been amplified, as that is in the direct line of the author's investigation. An interesting summary of Aristotle's opinions is given (p. 143), and a useful attempt made to get order out of the somewhat inconsistent statements of the *Politics*; but it is unfortunate that no mention should be made in this connexion of the mixed constitution, and, whatever novelty there may be in Aristotle's treatment of oligarchy or democracy, it does not seem easy to justify the difference found by Mr. Hammond (p. 147) between his conception of tyranny and that of Herodotus.

A few points may be mentioned from the discussion of more modern constitutions. On p. 370 the number 442 (twice repeated) seems to be a misprint for 432. On p. 402 we might have expected to hear the author's opinion on the parallel which is so often drawn between the Venetian Council of Ten and the Spartan ephors. For the use of the word *stato* (p. 381: also p. 2) a reference might be added to E. W. Mayer, *Machiavellis Begriff virtù*, pp. 108 *seqq.*, where Dr. Mayer shows by his treatment of the evidence that the question is a complicated one.

Whatever criticisms may be passed on the details, the book as a whole will certainly be useful: it is eminently readable, it is marked by a refreshing candour, and the generalizations are sensible and clear throughout. Had the author seen his way to consulting specialists on various parts of history, he might not only have saved himself trouble and have avoided citing disputed questions in a form which more recent criticism has rendered unusual, but he could also have excluded a good many points which in their present form distract the reader's attention from what is more important. Yet there is undoubtedly a certain value in the opinions expressed upon doubtful historical problems by those who approach them from the more external starting-point of comparative history. The chief disadvantage of the details being inadequately finished is that these small defects annoy the specialist unreasonably and prevent him from gaining as much as he should from the broader treatment. Few of the defects of detail which such readers may find in Mr. Hammond's work are likely to have a serious effect on the value of his opinions. Still those opinions, in so far as they are represented by the tabular view of constitutions, can only be considered to be provisional. It would lead us too far to inquire

whether part of the philosophical terminology is not bound up with a conception as to the transmission of character by inheritance which requires some justification if it is to be maintained in the present state of scientific opinion. But one illustration will serve to show that the tabulation is at least incomplete. Mr. Hammond tells us on p. 407 that 'since dependencies can be acquired in an infinite number of ways, there is no reason why any two communities which acquire dependencies should be alike, or why their descendants should be alike'. It may be true that the acquisition of dependencies is sufficient in many cases to alter the whole conception of a given political body, and that a description of that body which is adequate to it in its simple nature becomes inaccurate when dependencies are added. But this can afford no justification for giving up a large part of the main question as insoluble. What Mr. Hammond really means to say is that the principles on which political bodies having dependencies should be classified have not yet been discovered. It is to be hoped that he may still give his help towards the solution of this difficult problem. For to rule out all states that have dependencies from any possible classification is equivalent to giving up altogether the hope of any scientific comparative politics.

P. V. M. BENECKE.

La Confederazione Achea. Da G. NICCOLINI. (Pavia: Mattei, 1914.)

IT is now some fifty years since Freeman wrote his classic chapters on the Achaean League, and in the interval between his day and ours the League and its times have been the subject of much intensive study. Nevertheless in the present volume we have almost the first attempt to traverse anew the ground covered by Freeman in a general treatise. Signor Niccolini's book offers some curious contrasts with Freeman's. Its spirit is as placid as Freeman's was fervent, and its argument is as compact as Freeman's was discursive. In place of Freeman's strongly expressed likes and dislikes we find a studiously objective judgement. We miss the felicitous comments and the comparisons between ancient and modern politics which light up the path of Freeman's readers; in return we get many new scraps of detailed knowledge which Signor Niccolini has industriously gleaned among inscriptions and recent monographs.

The greater part of Signor Niccolini's book is taken up with a narrative of the League's history. The story is told on the ordinary lines, though special stress is laid on the economic factors which determined the politics of the Achaeans and of their opponents. It passes rather lightly over the relations between the League and Rome, but it gives a well-considered account of the eventual position of Achaea as a Roman protectorate. In regard to the Macedonian kings, Signor Niccolini deals rather leniently with Philip. His contention that Philip used methods of 'frightfulness' in his campaigns against his Greek compatriots in order to unite Greece against Rome (p. 114) sounds curiously like certain official apologies of the present moment. He need not have hesitated to describe the battle of Andros as a victory for Antigonus Gonatas, in accordance with the researches of Messrs. Tarn and Ferguson. The Achaean statesmen, Aratus and Philopoemen, are described by him as 'moderate democrats', but their

'democracy' is not distinguished clearly from that of Corinth and other large towns, whose disloyalty to the League is nevertheless attributed to their 'democratic' predilections.

In his account of federal institutions Signor Niccolini propounds a new solution of the vexed question as to the relations of the upper and lower house in the Achaean parliament. His conclusion is that the *σύνοδος* of the League is identical with the *βουλή*, that the *σύγκλητος* is the *ἐκκλησία simpliciter*, and that normally the *βουλή* met without the *ἐκκλησία*. On the last point Signor Niccolini is probably correct, and his equations have at least the merit of simplicity. But our author himself admits that Polybius' use of the terms *σύνοδος* and *σύγκλητος* does not strictly bear out his theory, and even if allowance is made for the awkwardness of Polybius' style, it is difficult to suppose that his terminology was not only inept but incorrect, as Signor Niccolini would lead us to believe. It is also difficult to follow him in supposing that the *σύνοδος* met five to six times *in any normal year*. The instances which he quotes for this practice are mostly derived from two particular years, 220 and 217 B.C., in which important events befell in rapid succession. It does not follow that in ordinary years it was necessary to convene five or six meetings, or that no discretion at all was left to the executive as to the number of annual sessions. Signor Niccolini also goes beyond his evidence in maintaining that the federal council and magistrates drew no pay. As Professor Bury has pointed out in his much neglected appendix to Freeman's second edition, all that we are entitled to say is that the public men of the League often expended in the discharge of their duties more money than they received. Lastly, the presidency of the federal congress was vested solely in the board of *δημιουργοί* and not, as Signor Niccolini supposes, in the *δημιουργοί* and *στρατηγός* conjointly. The relations of the federal government to the federating states are defined with good judgement and unusual wealth of detail. Indeed this section, together with the adjacent section on the Achaean army, constitutes the best part of the book, and much fresh knowledge is embodied in it. In conclusion, we may say that the present volume will not displace Freeman as the standard work on the Achaean League; but as a supplement and an antidote to Freeman it possesses a definite value.

M. O. B. CASPARI.

The Establishment of Christianity and the Proscription of Paganism. By MAUDE ALINE HUTTMANN. (Columbia University Studies in History, Economics, and Public Law, lx. 2.) (New York: Columbia University Press, 1914.)

THIS essay, like the work which preceded it in the series, deals with the subject of Constantine and Christianity. The two works are, however, of a very different scope, for Dr. Coleman's dissertation (above, p. 327) is occupied entirely with the emperor's person, and that in his mythical and fictitious as well as in his historical character, while Miss Huttman treats of the policy of the imperial government towards paganism, and continues her study to the time of Justinian. The latter part is, however, hardly more than a table of edicts with short notes; and, as the subject cannot be

satisfactorily treated from the codes only, it is unfortunate that Miss Huttman did not confine the present dissertation to Constantine, and postpone the rest until she had been able to make a more adequate study of the history and literature of the period. As in her preface she expresses her obligations to another lady for translations of Greek texts, and no Greek beyond a few words is quoted in the book, we must apparently conclude that she has very slight knowledge of Greek; and in that case it was very bold to attempt to produce a work of scholarship on the subject of Constantine. Considerable doubts must also be felt as to her competence to render the Latin of the period when we find V.C. (*viro clarissimo*) regularly translated 'the 5th consulate of' (pp. 210-11, 227-9, 232), it apparently not having struck her as strange that four private men should have had five consulships and that no other numbered consulships of private men should occur. In comparison with this it is a small matter that from the ablative 'Bautone' a name 'Bautones' is evolved for Bauto, the father-in-law of Arcadius, that in the inscription quoted at p. 85, n. 1, *consulari* is turned into two words because it is divided between two lines on the stone, that the name 'Flavianus' instead of 'Flavius' is given to Constantine and his family (p. 167), that an edict of Constantius and Julian is turned into an edict addressed by Constantius to Julian (p. 177), and that an impossible sixth consulate of Valens and first of Valentinian is allotted to the year 368 (p. 188).

After these instances, all of which arise from a misunderstanding of Latin texts and formulae, it may seem almost superfluous to criticize the rest of the book as far as accuracy is concerned, and I will content myself with calling attention to one extraordinary error. In rendering the passage from Julian's *Caesars*, in which Constantine is described as finding Jesus standing near *Τρυφή*, and calling to all criminals to come and be purified by bathing in water, the reading *υιόν* for *Ἰησοῦν* is adapted from an antiquated edition and rendered 'his son' (p. 27). But in spite of the numerous misrenderings and other errors, Miss Huttman has made herself thoroughly acquainted with the modern literature of the subject, and has given us a clear and reasonable sketch of the progress of anti-pagan legislation, in which it is pointed out that many measures which appear to be directed against paganism may really have other motives. As, however, she is lacking in capacity for dealing with the sources, the book contains little that is original, the author's usual method being to state the opinions of scholars (often cited as if they were original authorities, e.g. p. 112, n. 3), and sometimes to add her own opinion, generally without reasons, at the end. She has a good note on the origin of the word *paganus* (p. 181, n. 2), but it is taken from Schultze and Kuntze. There is a useful bibliography, which, both for modern writers and the names of the original authorities, seems fairly exhaustive; but the editions mentioned are often obsolete, the Teubner text of the Augustan history is ascribed to Hermann instead of Peter, and no text of Constantine's *Oratio* is given, for Dindorf's edition of Eusebius does not include it. It is a pity that Miss Huttman does not state where the continuation of the Paschal Chronicle mentioned at p. 78, n. 3 is to be found. Very little attempt seems to have been made to correct the proofs, especially in the Latin. Commas are scattered

about anyhow, frequently coming between subject and verb or verb and object. On the other hand, at p. 220, 11, the omission of a comma produces an absurd sense.

E. W. BROOKS.

The Schools of Medieval England. By A. F. LEACH ('The Antiquary's Books'). (London: Methuen, 1915.)

MR. LEACH has summed up in this volume the results of many years of hard and fruitful work. The facts which he adduces as to the great antiquity and the large number of schools in medieval England will startle those who have not followed his researches in the *Victoria History of the Counties of England* and elsewhere. Students of medieval records have often expressed surprise at the evidence they afford of the numbers of people, often in quite humble circumstances, in all parts of the country, who could copy, understand, and even draw up documents in Latin. Mr. Leach explains the mystery. In fact, after reading this book, one asks an explanation not of the widespread knowledge of Latin, but of the frequent and well-grounded complaints throughout the middle ages of the ignorance of priests.

Mr. Leach is a pioneer, and, like most pioneers, is prone to exaggerations and prejudices; but it is a pity that in a book so full of fresh information he should have adopted such a controversial tone. Fighting, and fighting successfully, against the deep-rooted and carefully nurtured tradition that the medieval schools were monastic, he sees in monasticism the enemy, regards the Inquisition as 'its most formidable development' (p. 332), and minimizes its services to education. Thus he speaks of Augustine 'and the clerks who came with him' (p. 3), while Bede mentions monks. He translates Bede's description of James the deacon, *virum utique ecclesiasticum et sanctum*, as 'who though an ecclesiastic was a saint', and adds the comment: 'Bede, writing as a monk, thought none but monks really holy.' The translation makes one regret as 'peculiarly unfortunate' that the plan of the 'Antiquary's Books' 'excludes references to authorities' (p. vi). On p. 32 he represents Bede as saying that in the course of a metropolitical visitation Theodore and Hadrian taught the natives to know Greek and Latin as well as their mother tongue, and adds: 'It is strange that this account of what, in later times, would have been called Theodore's metropolitical visitation of all England, should have been quoted as evidence of his founding of Canterbury School.' Yet it is obvious that Bede is relating two distinct things, (1) the journey of Theodore and Hadrian through England, (2) their teaching ('because they were both abundantly learned in both sacred and profane literature') to a crowd of students. This certainly implies a permanent school somewhere, and Mr. Leach's predecessors were nearer the mark than himself. But his principles forbid him to admit that a monk could undertake secular teaching. So he cannot allow that Aldhelm was a pupil of Hadrian's; William of Malmesbury is 'unveracious', but his statement as to Aldhelm's age is taken to disprove Aldhelm's own statement that he was Hadrian's pupil (Aldhelm's letter becoming 'a letter credited to' him); and 'Bede's silence is absolutely fatal to Aldhelm's instruction by

Hadrian' (pp. 37, 38). In connexion with Aldhelm it may be noted that it is not Mr. Plummer who has 'mistranslated' Bede (p. 40), but Mr. Leach, who has altered Bede's meaning by interpolating into what purports to be a quotation from Bede the words 'under Hedde'.¹ Mention might have been made of Aldhelm's friend Wynbercht, abbot of Nutsall, near Winchester, where the Rule of St. Benedict was observed, and where there was a famous school of learning which attracted Winfrith (St. Boniface) in 705.

The early constitution of the cathedral church of Canterbury is obscure, and Mr. Leach's arguments (set forth in more detail in other publications) in favour of its being originally secular, not monastic, are worthy of consideration but not convincing. Does it follow that because the church in 1020 was under a dean it was 'therefore secular' (p. 34)? The *Anglo-Saxon Chronicle*, a. 1020, says: 'Æpelnoð munuc decanus.' 'Clerici' are not always necessarily secular clerks; 'Nos autem et ordine et officio clerici sumus,' the monks of Molesme asserted at the end of the eleventh century. In the same way 'Ecclesia' at Hexham (p. 64) does not exclude a monastery, just as Bede's 'Ecclesia Lindisfarnensis' does not imply there was no monastery as Lindisfarne. But Mr. Leach is so anxious to exclude a monastery where he finds a school that he translates *coenobium* (as a description of Glastonbury) as 'college' (p. 80). His attempt to prove that Glastonbury was not a monastery till after Dunstan's return from exile in 957 is not successful. The contemporary postscript to Ethelwold's English translation of the Rule states explicitly that the Rule of St. Benedict was observed at Glastonbury before Abingdon was founded, in 953,² and this is confirmed by Dunstan's first biographer.³

Mr. Leach is reckless in disputing the authenticity of documents which do not suit his views. The letter of Cuthbert to Cuthwin is suspect because it represents Bede as teaching even in his latest years. Among the 'suspicious features' is that 'it is derived only from a St. Gall manuscript of the ninth century'. The St. Gall MS. is the earliest; it is also found in manuscripts of the twelfth and thirteenth centuries. 'Some writers, beginning with Alcuin's biographer, have had visions of a long chain of monastic schoolmasters' (p. 53)—so the life of Alcuin is rejected on very inadequate grounds, though no one else has doubted that it was written about twenty years after his death. For his condemnation of Asser's life of Alfred, 'a romance written a century after the hero's death', he can bring more effective arguments, though few scholars nowadays reject Asser as a whole.

The educational work of the Irish monks is naturally a stumbling-block, and there is a peculiarly unfortunate passage on p. 48:

Bede tells us that . . . 'litle English boys were taught by Scottish teachers the observance of regular discipline together with higher learning (*cum maioribus studiis*), as they were mostly monks who came'. The learning of the Irish was wholly in psalm-singing and theology, not in the classics, and the *maiora studia* meant the Scriptures, not philosophy or literature.

¹ *Hist. Eccl.* v. 18.

² *Leachdoms, Wortcunning, and Starcraft* (Rolls Series), iii. 439.

³ *Memorials*, ed. Stubbs, p. 25.

What Bede really says is that 'little English boys together with older people (*una cum maioribus*) were instructed by Scottish teachers in learning and the observance of regular discipline. For they were mostly monks who had come to preach.' But the refusal to recognize the greatness of the debt which Western culture owes to the Irish monks is astounding. Mr. Leach is very severe on his predecessors. Of Dr. Savine's laborious study of the *English Monasteries on the Eve of the Dissolution*, he says (p. 230): 'it is to be regretted that it did not remain in its original language.' Dr. Savine's blunder about Winchester College, which called forth this remark, is a mere error in detail—a mote compared to the beam revealed in Mr. Leach's eye by his view of 'the learning of the Irish'. It would not be imitating his severity to say that a good deal of the earlier pages of his book ought to be rewritten.

After the missionary period of monasticism had come to an end, and still more when records become more numerous, Mr. Leach is a safer guide. From the twelfth century onwards monks did little directly for the education of the laity, and any attempts made by religious houses to keep schools were not encouraged. Thus in 1280 the archbishop of York, when visiting the Augustinian priory of Gisburn, 'forbids for the future burdensome schools of rich and powerful and also of indigent scholars, except so far as our chancellor of York shall approve them as fruitful and useful to the monastery'.⁴ Almonry schools, Mr. Leach shows, did not exist before the beginning of the fourteenth century, the earlier custom being for scholars to be boarded in the almonry and sent to the neighbouring grammar school. The latter seems to have been the case at Barnwell, where, however, the late thirteenth-century 'Observances' (ed. J. W. Clark, p. 174) seem to show the beginnings of an almonry school. As Mr. Leach does not refer to it the passage may be quoted:

Clericos qui de elemosina pascuntur, et in elemosinaria commorantur, debet frequenter elemosinarius per se vel per alium de partibus suis opponere, et sub virga tenere, ut melius adiscant, et diebus festivis, quando non vadunt ad scolas, ut legant et cantent in ecclesia districte precipere, et ut sciant matutinas beate Marie, et eciam ut sciant in pergamento scribere, non per plateas currere, nec pugnare, vel contendere, set litteras suas et versus diferenciales cordatenus repetere. Alioquin debet eos tanquam inabiles amovere, et loco eorum bonos scolares substituere.

Lyndewode discusses 'whether monastic alms may be distributed to help scholars wishing to make progress in the study of grammar, as is the custom in some monasteries where from what is left by the monks in the almonry such scholars are supported in great numbers'. He decides against it, 'because such persons can earn a livelihood by working elsewhere . . . , especially if by reason of such persons alms are withdrawn from the poor . . . who cannot support themselves'. However, in places where the monastery dominated the town, though Abbot Samson's example in endowing the grammar school of Bury St. Edmunds was rarely if ever followed, the monks were patrons of the school, appointed the schoolmaster, generally paid him a salary, and provided exhibitions for some of the scholars. The schoolmaster was invariably a secular, and sometimes a married clerk, not in holy orders. It would probably be impossible

⁴ *Cart. Prioratus de Gysburne*, Surtees Soc., ii. 360.

to decide whether it was more advantageous for a school to be under a monastery or a diocesan chancellor, or a collegiate church, or a city company. In the twelfth century St. Albans was certainly able to attract distinguished masters, the most famous being Alexander Neckam, who subsequently entered the order of Augustinian Canons and became abbot of Cirencester.

The chancellor, in early times called schoolmaster, was supposed himself to teach theology and had the duty of appointing to schools in the diocese, or when there was no secular chapter this duty devolved on the bishop. This was the general rule, but it was subject to more exceptions than Mr. Leach's generalizations would lead one to suppose. Thus the prior of Durham appointed to many schools; and one is surprised to find on the same page (p. 168) the statement that 'for lack of a secular chapter the bishop of Norwich appointed to the grammar schools not only of Norwich but throughout the country', and evidence that the appointment of master of Rudham school belonged to the priory of Coxford. When Mr. Leach states that many schools in towns in which there were monasteries 'remained under the control of secular clergy' (p. 176), he perhaps means that the masters were seculars, for it is clear in several of the instances which he gives, e.g. Cirencester, Lewes, Arundel, that the school was closely connected with a monastery and the master probably appointed by monks. It is curious to find Plym[p]ton, Louth, and Taunton mentioned as 'places where no monasteries existed' (p. 177-8).

Mr. Leach surely goes too far when he says (p. 115) that 'there can be no manner of doubt, then, that all the cathedral and collegiate churches kept schools'. The cathedral churches are not in dispute, but the instances quoted of collegiate churches keeping schools are not in themselves sufficient to justify this sweeping statement. The statutes or foundation charters of such churches often make no mention of schools, and if Mr. Leach had always used the argument from silence as he has done in discussing Lanfranc's constitutions (p. 100) he would have reached very different conclusions. Nor does there seem to be any general rule that these churches should keep schools, except the decree of the Lateran Council of 1215, that grammar masters should be appointed 'not only in the cathedral church but also in others which can afford it' (*quarum sufficere poterunt facultates*). There was a long gap between a rule and the observance of it, and there is no reason to suppose that this clause of the Lateran decree was carried out any more than the clause ordering the assignment of the income of a prebend to every master. It is a point on which more evidence is desirable.

In this volume are mentioned some 300 schools of various kinds existing in medieval England. Mr. Leach points out that in Herefordshire alone, with a population of some 30,000, there were seventeen grammar schools, and he calculates that there must have been some four hundred grammar schools scattered over the country. It is difficult to explain the frequent complaints of the decay and disappearance of schools which meet us in the later middle ages except on the supposition that many of the schools had a short or intermittent life. This question Mr. Leach does not discuss, but it is clear from his articles in the *Victoria History of the*

Counties of England that some of the schools had a precarious existence. In this connexion one may point out that though there was no school at St. Peter's, Cornhill, in 1477, when the parson petitioned for leave to establish one, there was one there about 1225, when a Franciscan friar 'taught letters' in the church. In view of Mr. Leach's startling statement in the *Victoria County History of Lincolnshire* (ii. 424) that 'the friars seem at this time (c. 1400) to have aimed at monopolizing the teaching profession', he makes no mention whatever here of the schools of the friars. Most of the book is devoted to giving evidence of the foundation, continued existence, and numbers of the schools at various periods between the mission of St. Augustine and the death of Henry VIII. There are also here and there interesting details as to the curriculum, books used, salaries, fees, amusements, &c. For all this the medievalist as well as the general reader will be grateful to him. It is much to be hoped that Mr. Leach will some time give us from his unrivalled knowledge a more systematic study of the schools from the inside, and reconstruct for us, so far as it can be done from the somewhat fragmentary materials now extant, the life of the medieval schoolmaster and schoolboy.⁵

A. G. LITTLE.

WALTER MAP, *De Nugis Curialium*. Edited by M. R. JAMES, Litt.D., F.B.A., Provost of King's College, Cambridge. (*Anecdota Oxoniensia, Medieval and Modern Series, XIV.*) (Oxford: Clarendon Press, 1914.)

WALTER MAP is so notable a personality that it is somewhat strange that we should have had to wait so long for the publication of a thoroughly satisfactory text of his most undoubted work. The text which Thomas Wright edited for the Camden Society in 1850 was prepared under difficulties, and though Dr. James finds it praiseworthy considering the conditions under which the editor had to work, the standard of its scholarship was not so strict as is required in the reproduction of an original for which we are dependent on a single and somewhat corrupt manuscript.

⁵ A few errors may be pointed out in view of the likelihood of a second edition. P. 4, *erudiantur* should be *erudirentur*. P. 4, Felix was bishop before he came to England. P. 32, Edsi should be Eddi; cf. also p. 46. P. 37, the 'Gaul' Eleutherius appears to have become a Welshman, 'Llothair'. P. 57, 'the word minster came to be used exclusively for cathedral or collegiate churches'; e.g. Westminster? Peterborough Minster? P. 120, 'The Cluniacs, a new order of reformed Benedictines [in twelfth century]: . . . spread over the country', and p. 123, 'Cluniac foundations were comparatively rare in England'. In the former passage is there a confusion with Cistercians? P. 133, the letter of John of Salisbury here quoted was written by him not as 'Official Principal of the Prerogative Court of the Archbishop of Canterbury', but for and in the name of Archbishop Theobald. P. 163, 'He can chastise with blows any of the other clerks of the first form. . . . Here the first form was the lowest, canons and priests sat in the first form.' There is some confusion here. P. 172, *glomerians* should be *glomeriaus*. P. 179, 'mystically' appears to be used for 'obscurely'. P. 193, last word should be 'on'. P. 206-7, 'The earliest mention of Harrow, &c. Some words seem to have dropped out of this sentence. P. 243, 'the very large rent of 40*d.* or 13*s.* 4*d.* a year'? P. 255, the regnal year did not begin on 25 March, as is implied in the sentence about 'the usual confusion between the year of the Lord and the year of the King'.

Dr. James has made it his first aim to furnish the student with 'a record complete in all essentials of what the manuscript presents'. The solitary manuscript (Bodley 851) dates from the last quarter of the fourteenth century; it is not to be expected that such a copy would supply an altogether satisfactory text, though a contemporary of the scribe has gone over the whole and inserted some omitted words and various readings. Dr. James inclines to the opinion that the variants came from other copies, and were not mere conjectures. But even so the *De Nugis Curialium* requires the most careful editing, and the present text, thanks to the more perfect reading of the manuscript and the editor's scholarly emendations, removes many obscurities in the old edition.

Dr. James has renounced any attempt to compile a full commentary on the text, and refrains from any fresh discussion or speculation on Map's life and writings, except to quote an indubitable line of Map's verse from a manuscript at Hereford. The preface is devoted to an account of the manuscript and of its owner, John Wells, the rather famous monk of Ramsey and opponent of Wycliffe, and the discussion of such other points as bear directly on the text. With the exception of a doubtful instance in a letter of Peter of Blois, Dr. James has not been able to find any literary trace of the *De Nugis* before the seventeenth century. The *Dissuasio Valerii ad Rufinum*, which is incorporated in the *De Nugis*, was, of course, a popular work, of which many copies exist; but that little piece was probably a work of Map's youth, and had been put into circulation before the *De Nugis* was written. Dr. James gives an interesting note on the medieval commentaries on the *Dissuasio*. Though one of them (there are five in all) was due to Nicholas Trivet, none of them are of any real value for the elucidation of the text. Another topic which Dr. James has treated with learning is the range of Map's reading, as attested by his quotations: certainly it was not inconsiderable, though one may suspect that some at all events were but second-hand. The plan and date of the *De Nugis* are also dealt with sufficiently. In the preface and critical apparatus all has been done that was needed, to use the editor's own words, 'to put a valuable document into such a condition that experts may be able to use it with ease and confidence'.

C. L. KINGSFORD.

Studies in Taxation under John and Henry III. By SYDNEY KNOX MITCHELL. (New Haven: Yale University Press, 1914.)

PROFESSOR MITCHELL'S book consists of a careful chronological analysis of English taxation between 1199 and 1272, followed by an interesting chapter which is entitled a summary, but which contains in addition a discussion on the great council. In certain respects these studies are very helpful. Mr. Mitchell has dug out a great deal of new material from the unpublished Pipe Rolls and Scutage Rolls, and has illustrated the value of the early Memoranda Rolls. He quotes passages from the latter which help to explain the sheriff's part in the collection of scutage. As a result of these researches some general conceptions about early taxation receive correction or a clearer definition. For example, Mr. Mitchell

shows that the carucage was as a rule compounded on ecclesiastical fiefs; he revises the current idea that in the later years of his reign King John was a man of few pence; on the contrary, the king was never seriously in want of money (pp. 343-5). The chronological survey brings into relief the development of clerical taxation; the comparative immunity of the clergy before 1253 is emphasized, but the reader is reminded of three previous valuations of ecclesiastical property, in 1216, 1226, and 1229, earlier than the three famous assessments of 1256, 1275, and 1291, 'made in turn for the oppression of holy church'.¹ But, apart from these and a few other points of interest, the work is disappointing. The author knows so much and might have written such a better book, better arranged, more coherent, and more suggestive. It is full of repetitions, qualifications, contradictions, suggestions which are not fully discussed, and the tangle of cross-references is frequently more perplexing than helpful.

Some of Mr. Mitchell's conclusions were summarized with due acknowledgement by Professor Adams in his treatise on the *Origin of the English Constitution*. Both scholars regard the development of taxation from a purely feudal point of view. Professor Adams, it is true, recognizes that Henry II's absolutism established a non-feudal taxation 'which would have become an important feature of the new constitution if it had been allowed to develop uninfluenced by a feudal reaction'²—if, in other words, the great council in the reigns of John and Henry III had not asserted a claim to grant and refuse taxes of all kinds, except scutages and tallages, in the name of all Englishmen. This claim is carefully discussed by Mr. Mitchell (pp. 357-92). In his view the opposition of the council is especially interesting as a feudal development. He shows how, within the range of a feudal opposition, the council recognized a distinction between the taxes which it could not oppose and those which it could and did oppose. He traces the course of the conflict between the principles of representation and of individual or class consent.³ But he does not recognize that all these tendencies acquire significance from their extra-feudal character rather than from their feudal origin. Although he points out more than once that English constitutional development must be interpreted by the opposition to non-feudal taxation, his discussion of the new taxes is perfunctory. The treatment of the carucage and of the customs is a case in point. The attempt to revise the land-tax by means of a new assessment of ploughlands is of great interest; it was made in 1198, 1200, 1217, 1220, and 1224; it then suddenly disappears. Mr. Mitchell shows that the carucage was compounded for by nearly all the shires, as well as by the great ecclesiastics, in 1198 (p. 8). He calls attention to additional evidence against Mr. Round's view that some of the later carucages were assessed on the team and not upon land (pp. 133-4; compare, however, p. 33 n.). But he does not attempt to push his inquiries further. One would like to know whether the practice of commutation

¹ For the taxation of 1256 in Scotland see Professor Tout's Introduction to the Register of John de Halton (Canterbury and York Society), p. xii.

² Adams, *Origin of the English Constitution*, p. 191.

³ On the principle of representation in 1227 see also A. B. White in the *American Historical Review* for July 1914, xix. 735-42.

does not account for the fragmentary nature of the assessments. Why was the carucage a failure while the taxes on movables were so easily collected? ⁴ A general treatment of thirteenth-century assessments would have been most useful and might have done a good deal to answer such questions as these more fully. Can a connexion be traced between the frequent assessments of movable property and the development of stewards' accounts, the book-keeping on ecclesiastical estates, and the like? Mr. Mitchell permits himself one generalization: 'the main difference', he says, 'between the carucage and the tax on movables was not in the amount of property which was assessed; for in that respect there would not be much, if any, difference' (p. 353 n.). This statement was well worth proving, but it is thrown out casually in a footnote. To turn to the customs. The duties on merchandise had a great deal to do with constitutional development. Mr. Mitchell barely mentions the early duties and omits all reference to later impositions. The Chancery Rolls indicate a frequent resort to special duties in the later years of Henry III's reign—there were early cases of a kind of ship-money 'with the assent of the merchants' in 1267, and a general aid upon merchandise 'and other things coming into or leaving the realm', granted by Henry to his crusading son Edward in December 1271.⁵ These surely deserved mention and comment.

The proper reply to these criticisms would seem to be that the book was not intended to be comprehensive and that the author was mainly concerned with scutage. Mr. Mitchell devotes the greater number of his pages to scutage and to the fine *pro transfretatione*. He has made some interesting and important discoveries; but here also he has failed to give form and meaning to his inquiries. The most curious fault in this part of the book is the omission of any critical treatment of John's inquests into knights' fees. The Testa de Nevill, if a few references are excepted, might never have been in Mr. Mitchell's hands. The omission is the more remarkable because Mr. Mitchell is concerned with the number of fees which paid scutage or fines. Although he apparently accepts Mr. Round's conclusive proof that Henry II levied scutage upon the new enfeoffment,⁶ he insists that the new enfeoffment was not taxed in the thirteenth century. His view is given in the following sentences (pp. 301-2):

The number of fees which accounted at the exchequer probably became fixed at some time before the close of the twelfth century and certainly did not change materially after 1211. The number was somewhat greater than the *servitium debitum* [of 1166].

⁴ The difficulty of assessing ploughlands can be illustrated from the history of Irish legislation. According to 11 James I, c. 7, the ploughland was taken as the basis for the supply of six days' statute labour. The term *ploughland* was not common to all the counties of Ireland; and the act of Anne, c. 9, tried to meet the problem of enforcing labour. The grand juries were to put a construction upon the term in each county and determine the number of acres in a ploughland, due consideration being given to the quality of the land. This act was not enforced, and by 33 Geo. II, c. 8, a provisional estimate of 100 acres was enjoined. According to a report of 1836 a barony in Co. Waterford contained ploughlands varying from 90 to 2,000 acres. These references were kindly collected for me by Miss Esther Ballantine.

⁵ *Calendar of Patent Rolls, Henry III, 1266-72*, pp. 142, 617, 630, 717.

⁶ *Feudal England*, p. 286.

If the old enfeoffment exceeded the *servitium debitum* on any holding, then the old enfeoffment was taxed; contrariwise, if the *servitium debitum* exceeded the old enfeoffment, the *servitium debitum* was taxed. The new enfeoffment was never taxed except when the honor was in hand, though there were many cases in which it was entered in the roll. Ordinarily the old enfeoffment exceeded the *servitium debitum*. The total number of fees which were liable for scutage in the thirteenth century was somewhat over 6,500.

The first and last sentences are based upon Mr. Mitchell's calculations from the Pipe Rolls. The other sentences are supported by a tabular footnote. The table is hardly satisfactory. It certainly suggests that the number of fees which paid scutage in Henry III's reign differed only slightly from the old enfeoffment or the *servitium debitum*; but a more systematic and exhaustive inquiry would be necessary to justify Mr. Mitchell's generalizations. At the commencement of his reign we find John collecting scutage from all the knights held of the king in chief (e. g. p. 320, note); and the description of the sheriff's activities implies that the returns of scutage credited to the account of the great fiefs were based upon reality, not upon a fixed assessment. The relation between traditional assessment and the actual number of fees became a matter of practical importance, which was faced by the treasurer William of Ely. The returns of 1166 were not calendared at his command as a mere antiquarian exercise, nor were the inquisitions which ended in 1212 made for amusement. It is most unfortunate that Mr. Mitchell has not brought his researches in the Pipe Rolls and his feudal statistics to bear upon the returns of 1212 and the later inquiries of Henry III's reign. The exchequer set itself a double task. The *servitium debitum* of a great abbey or honour was based upon an artificial assessment. Thus in 1166 and in John's reign the abbot of Saint Edmund's claimed that his service was forty knights (*ecclesia non debet nisi servitium xl militum*). According to the abstract of scutages contained in the Red Book, the abbot paid scutage on 40 fees in the third year of John; but in the thirteenth year he paid on 52 $\frac{3}{4}$ fees. Now in 1166 the abbot's complete return amounted to 52 $\frac{3}{4}$ fees; the exchequer had clearly made new use of the earlier return.⁷ Other entries in this brief abstract show that in John's reign scutage was collected from the new enfeoffment. But in a great number of cases resort to the old return must have been impossible. Fiefs had changed hands, there had been alienations and wastage or enlargement of fiefs. One thinks of the history of the German *matricula* in the fifteenth and sixteenth centuries. A new survey was required. Surely it is no mere coincidence that, as this survey was in course of completion,⁸ the number of fees on which scutage was paid became fixed; and that 'beginning with the roll of 13 John, the practice is set up of entering the number of fees after the name of each

⁷ *Red Book of the Exchequer*, pp. 139, 394, 475.

⁸ Mr. Mitchell's observation on the Pipe Roll of 1211 strengthens an impression which I have had for some time that the inquiry into knight's fees, &c., had been gradually prepared. Mr. Round has shown that there was only one inquiry, and has urged that it was begun and ended with extraordinary rapidity after the issue of the writ of 1 June 1212 (*Commune of London*, pp. 261-77). But the employment of the sheriffs to assist in the collection of scutage would have provided a good deal of material; and it is difficult to disregard the entry in the Red Book (fo. 132 a) which implies that the inquiry had been going on since 1210; see also *Percy Cartulary* (Surtees Society), p. 445.

tenant whether he is charged with scutage or is quit' (p. 314, note). If Domesday Book was a geld book, were not the Black Book and the Red Book scutage books? The value of a careful comparison between the inquiries and the results of taxation is clear from Mr. Mitchell's own discussion of the scutage of 1235 (pp. 210-12). He suggests in three successive footnotes (1) that a Middlesex return assigned by Mr. Round to 1212 really belongs to 1235; (2) that the exchequer, by instituting periodic inquiries, expected to bring new fees under taxation; (3) that the terms old and new enfeoffment lost their technical sense in the thirteenth century.

Mr. Mitchell's main conclusions with regard to scutage are, if I understand him aright, something as follows. Scutage tended to become a universal tax, but it was levied with due reference to the lord's arrangement with the king. It was collected in various ways, as convenience dictated, but if the sheriff collected it from subvassals, the sum so collected was credited to the lord's account. The fine *pro transfretatione* was not, as Maitland thought, paid in addition to scutage on the same fees. There are cases of double payment, but they are exceptional. The two payments were identical in nature, but different in form, the fine being a composition in lieu of service, the scutage a tax levied from those who were not exempted on account of service.

There was, however, a tendency to make the scutage and the fine different in character, the former to be a tax on the rear-vassals, the latter the composition of the tenant-in-chief for his service. This tendency is shown by the levy of fines for campaigns when no scutage was taken and by the separation of the fine from the scutage to such an extent that in 1242 a roll was drawn up containing scutage only. (pp. 328-9.)

This distinction was emphasized by the reduction of the personal service due from the tenants-in-chief. In the course of his analysis Mr. Mitchell mentions certain suggestive facts which deserve more detailed consideration. It is, *a priori*, unlikely that the fine and scutage were not clearly distinguished when the fine first became common in Richard's reign; the indiscriminate levy of fines and scutages seems as a matter of fact to have been one of King John's perversities (cf. pp. 323-4). Although a strict regard for the principle of the fine was no doubt rare, it does seem in principle to have been a composition for the *limited* service demanded for lengthy periods.

Mr. Mitchell has noticed a significant change, dating from the years 1194-7, in the enrolments of scutage and fines. The names of those who received writs of quittance from the payment of scutage are entered on the Pipe Rolls from Michaelmas 1194 (p. 314, note) and the fine *pro transfretatione* becomes common two or three years later. Can we not see Hubert Walter's hand at work in these changes? In the spring of 1194 Richard had demanded a third of the knight service of England; in 1196 he instructed the English barons to cross to Normandy with not more than seven knights apiece; next year he asked for a tenth of the knight service. It would be the duty of the justiciar and his colleagues at the exchequer to carry out these plans. Special care was necessary. Accordingly they kept a record of the writs of quittance granted to those who served, and levied special fines from those who wished to be excused from the quota of knight service demanded. The action of the abbot of St. Edmund's illustrates the distinction. He paid a fine of £100 to redeem the service of the four knights (a tenth of his *servitium*

debitum) demanded by Richard.⁹ If this suggestion on the origin of the fine is correct, it is easy to explain later developments. Mr. Mitchell (p. 26) notes cases in which scutage was paid on the infeudated part of the holding, and a fine *ne transfretet* on the demesne. The selected knights would naturally be taken from the demesne, with the result that the fine was levied on the demesne. The theory of the long-service army was forgotten, and scutage was levied on the other fees. John was not very discriminating; but the distinction returns in Henry III's reign. In 1242, for example, the king received payments *in subsidium transfretacionis sue*. The abbot of Hyde paid fifty marks. Henry writes :—

Et nos pro predictis quinquaginta marcis remisimus dicto abbati scutagium feodorum quinque militum que tenet in dominico de servicio xx militum quod regi debet; et dictus abbas respondebit regi de scutagio feodorum xv militum que de rege tenet in capite.¹⁰

Just as the fine *pro transfretatione* was a natural result of King Richard's military reforms, so was the reduction in the number of knights for whose service a tenant was liable. In the thirteenth century the 'new *servitium debitum*', as Mr. Mitchell terms it, was much smaller than the old. But scutage was not paid in lieu of this service, but on the total number of fees or on the old assessment. I cannot understand why Mr. Mitchell, who is quite alive to this fact, thinks that it could create a baronial grievance. He points out that scutage was paid on 6,500 fees, yet supposes that the barons divided the total sum paid by the reduced number of knights sent on service, so that they might complain about the increased rate of scutage. There is no evidence for this example of baronial astuteness. Nor can I follow his argument (p. 312) that circumstances rather than policy forced the king to take money instead of service. This view seems to contradict the general tenor of the evidence, and is flatly opposed to King Richard's own declarations.

Mr. Mitchell has chosen an important and very intricate subject. He possesses abundant knowledge. His pages are full of suggestive matter, and it is regrettable that his treatment of it is in general so obscure and tentative.

F. M. POWICKE.

Collectanea Franciscana, i. Ediderunt A. G. LITTLE, M. R. JAMES, H. M. BANNISTER. (British Society of Franciscan Studies, vol. v. Aberdeen, 1914.)

BEHIND the altar of Our Lady in the west transept of the church at Assisi is the tomb of Brother William the Englishman, a companion of St. Francis. We know scarcely anything about his history save the story that after his death the general of the order came and stood over his grave and there commanded him to desist from working miracles, lest thereby he should dim the glory of the holy father Francis, and thenceforth the dead man obeyed the injunction. There is, however, one other fact of interest recorded, and to this Mr. Little calls attention in the first article

⁹ See my *Loss of Normandy*, pp. 315 seq.

¹⁰ *Close Rolls, Henry III*, 1237-42, p. 421.

of the present excellent number of the Franciscan Society's publications. Brother William was an artist, and a link between Italian and English art at a time when such links are scarce. He drew a picture of Christ, as He appeared to St. John in the Apocalypse, which is to be found in Matthew Paris's original manuscript of the *Additamenta* to his *Chronica Maiora*, now in the British Museum (Cotton MS., Nero D. i). This striking drawing—we agree with Mr. Little in believing it to be an original, not a St. Albans copy from Brother William's work—is here reproduced in collotype and will give pleasure to others besides Franciscan specialists; but Mr. Little has rendered a further service by bringing it into connexion with three other drawings which he reproduces from the Cambridge manuscript of the *Chronica Maiora* (Corpus Christi College MS. xvi). These are the work either of Matthew himself, or of an English monk at St. Albans working under Matthew's direction. One of them purports to represent Brother William, and though no doubt valueless as an actual portrait, affords additional evidence of the regard entertained for him by Matthew, who was not in general an enthusiast for the friars. The other two are pictures of scenes in the life of St. Francis, his preaching to the birds and his vision of the seraph and reception of the stigmata. The noteworthy fact about these is that they are not merely illustrations of the text which Matthew, borrowing from Roger of Wendover, sets beside them, but represent the details of the story as told by Thomas of Celano in his *Legenda Prima*. As they rank among the earliest surviving pictorial records of the legend, it would be interesting to know whether the St. Albans artist drew them from his own imagination, on the basis of Celano's text, or copied them from an earlier model, just possibly given to him by Brother William. Mr. Little does not profess to answer the question, and probably we may never know; but the hint of Italian influence may be worthy of consideration when the time comes to write that complete monograph on the St. Albans school of painting, of which Mr. Page some time ago sketched a first instalment in *Archaeologia*.

The second article is a very full and careful study of a manuscript Franciscan miscellany which Mr. Little purchased at one of the Phillipps sales. It is not possible here to follow this in detail, but the main fact brought out is that the compiler of this volume, although its date is scarcely before 1400, must have had access to the main documents of the Franciscan tradition at a very early stage of their development. Thus in one part he gives us the original Latin text of chapters in the *Actus* not otherwise known, although their existence could be inferred from the paraphrase of them contained in the *Fioretti*; and in another he reproduces chapters from the common source of the *Speculum Perfectionis* and the Second Legend of Thomas of Celano. This source, Mr. Little thinks, can hardly be other than the writings of the actual companions of St. Francis.

The library of the Franciscans of Hereford forms the subject of the third article, by the Provost of King's College. Unfortunately there is no catalogue remaining of this library, and Dr. James, whose knowledge on such a point is unrivalled, is only able to tell us of some twenty-two remaining volumes out of a probable three hundred. The most interesting are the unique *Symbolum Electorum* of Giraldus Cambrensis and two manuscripts

of Roger Bacon. A similar subject, but less completely worked out (through no fault of the writer), occupies Dr. Bannister's attention in the fourth article. The Ottoboni collection at the Vatican includes a number of manuscripts which must have come from England soon after the dissolution of the lesser religious houses. Some certainly came from the Cambridge friaries. Dr. Bannister's list may enable the provenance of others to be fixed.

The last article is an attempt by Mr. Little, with the aid of an undescribed record from the Cotton collection of charters, to outline the history of Franciscan provincial chapters in England. The document is imperfect, but seems to have originally comprised an obituary list of all English friars who died between 1327 and some date after 1334. It is a useful indication as to the relative size of the various houses at this period.

J. P. GILSON.

The Year Books of Edward II. Vol. VI. 4 Edward II. A. D. 1310-11.

Edited for the Selden Society by G. J. Turner. (London: Quaritch, 1914.)

THE Selden Society has waited more or less patiently for this volume; but even its least patient members must feel that their patience has found its reward. Mr. Turner has by this time accustomed his readers to expect from him a novel point of view expressed in a manner intended to stimulate their attention; and they should by this time be aware that any difficulty or obscurity in the questions dealt with by him only produces more novelty and point in his treatment of it. The reader may be provoked to dissent, or led to agreement, but whichever result be attained, he will assuredly be interested. In the present volume the introduction is devoted to a consideration of the origin of the Year Books; and whatever may be the final verdict upon the tentative theory here expounded, it is impossible not to respect the thoroughness and completeness of the investigations on which it is based; the problem is seen to be in the main a textual one, and starting from this point of view Mr. Turner has given his readers in a clear shape an account of the history, nature, and relations of the manuscripts available, which must represent many months of unremitting toil.

The result of his studies is a theory of the origin of the Year Books, which he himself terms the 'pamphlet' theory, a theory which depends upon at least one unproved assumption, but which certainly explains a good many of the facts involved. If a preliminary criticism may be ventured, its chief weakness will be found to lie in its incompleteness; it does not bridge the whole gap between the actual oral proceedings in court and the final representation of them in the known manuscript. But it takes us one step back into the unknown, and perhaps that is as far as we ought to want to go at present. The basis of the theory is at least a solid one. No less than thirty-three closely-written pages of the introduction are devoted to a minute and careful investigation of the text of the Year Books of the first four years of Edward II; and many of the pages are in tabular form, representing an amount of work wholly disproportionate to the space covered. A theory so founded commands respect.

According to the 'pamphlet' theory the Year Books must be regarded as a secondary stage in the evolution of law reports, and as the result of

the work of a collector choosing his cases among books covering not many years, but single years or even terms. The existence of such short books containing reports of single terms Mr. Turner establishes by two lines of argument. In the first place he quotes from wills and other sources such phrases as 'books of terms', 'liber de terminis', and insists that these can only be short books containing reports of one or more terms. And in the next place he points out that the early printed Year Books often contain the cases of one year only, a fact which certainly suggests that the printers were using manuscripts which did not cover a larger period. Neither of these lines of argument is peremptory; the only irresistible argument would be the discovery of a book of terms, and no such manuscript is known to exist. But admitting for a moment that this is a weak point in the 'pamphlet' theory, there remains much that can be urged in its favour. At any rate it accounts for the facts; it explains the correspondences and divergences of the manuscripts; it explains why they cannot be arranged into neat families; why for a number of cases they fall neatly into groups, and why at some point the grouping will suddenly fail and fail completely. If, for instance, we take the cases in the volumes for the reign of Edward II, we can at first sight construct a nice theory that C, P, Q, R form a group, A, D, T another group, B, G a third, while M stands alone. But on further study this theory ceases to work; any of the last three groups may coalesce with the first group, R may break away from its usual companions; and though at one time M and P seem to unite into a new group, at another time they are distinct. And the differences between the manuscripts are often so considerable as to preclude the idea of any common original. The 'pamphlet' theory or some theory of the kind seems the only method of accounting for the facts of the cases. The total disappearance of the 'pamphlets' will surprise no one who has noticed the rapidity with which medieval manuscripts perished when they were in continual use; the mortality of the used manuscript is as startling as the duration of the manuscript laid by and exposed only to its normal enemies.

It is tempting to try to speculate a little further on the lines laid down by Mr. Turner. The names of the persons and places mentioned in the reports seem to offer a chance for another investigation on the same lines. Here we can start from the record on the Plea Roll, which will usually be correct. I can offer no results of a complete study of the cases in this volume on these lines; but the few cases which I have looked at point to the same conclusions which have been set forth by Mr. Turner. But the fact that in many cases the scribe has simply omitted the names altogether, or put down any name which his fancy dictated, makes the research very laborious in detail. Here and there gross cases of corruption are to be found; in one case where the abbot of Shrewsbury was concerned all the MSS. without exception speak of him by the absurd title of the abbot of Salisbury. Names like Alice and Maud occur with unreasonable frequency in place of names of widely different sound and appearance; and though I suspect that Alice sometimes represents the symbolic A of another text, the appearance of Maud sometimes looks as though it was only a favourite name of the scribe.

It has already been suggested that Mr. Turner's 'pamphlets' only take us one step backwards towards the original reports made in the courts of the actual proceedings there. Mr. Bolland, in *The Eyre of Kent*¹ has indeed suggested that the original reports were 'made in court upon odd scraps of parchment', and uses this hypothesis to account for the 'haphazard' order in which the cases occur in the Year Books. But it is surely far more likely that the reporters, whoever they were, wrote upon normally shaped sheets of parchment; whether the completed sheets were made up into quires or rolls is pure matter for speculation. In any case the original reports can only have been the material for Mr. Turner's 'pamphlets'; for these last must have differed too widely to have been only one remove from the actual proceedings.

There are other points touched on in Mr. Turner's introduction which deserve notice, particularly his contribution to the history of the official reporters in the courts. And a word of praise should be awarded to the notes scattered through the volume, in which the places mentioned are identified. It would be unreasonable to ask that as much should be done for the persons, though one would like to know who the Thomas de Grelle was who appears on p. 20; and other familiar names seem to ask for recognition. For one thing the reader may be particularly grateful: the cases are arranged according to the writs on which they are based, and the study of the law involved becomes for this reason an easier task to the layman.

C. G. CRUMP.

The Chronicle of Novgorod, 1016-1471. Translated from the Russian by ROBERT MICHELL and NEVILL FORBES, Ph.D. (Camden Third Series, vol. xxv. London, 1914.)

PROFESSOR C. R. BEAZLEY'S introduction to this book gives us a general account of the history of Novgorod until its capture by Ivan of Moscow in 1471, its internal affairs, its trade, and its external relations; in all this there is not much that cannot be readily picked out of any general history of Russia; we should have welcomed more information about the conditions which made the trade possible, the routes that it followed, the commodities that it exchanged, and again a fuller description of the existing town, its architecture, and its importance in the history of Russian art and religion. Professor A. A. Shakhmatov's account of the place held by the chronicle in the development of Russian historiography is of course the word of the chief authority upon the matter; by the nature of the case the western reader unfamiliar with the other forms of Russian chronicles will find it difficult to grasp his condensed statement, but it is as clear as the facts allow. In their choice of the text upon which they should work, the translators have rigorously excluded the part before A.D. 1016, which is lost in the 'Synodal' version of the Novgorod Chronicle, though preserved in slightly later versions and so prefixed as a supplement in the printed editions. This is a pity, as, though derived from the *Annals of Contemporary Years* and the *Kiev Chronicle*, it contains several entries dealing with Novgorod. On the other hand, though

¹ Vol. i, p. xcix; vol. ii, p. xxvii.

the Novgorod Chronicle ends in 1446, we are given a Moscovite account of how the city was taken. The story of the great free city is certainly interesting, but it has not the literary charm of Nestor or rather of the unknown author of the *Annals of Contemporary Years*, whose work has not been rendered into English: the choice made was no doubt governed by the existence of good French and German editions of the latter, but shows a certain austere self-sacrifice on the translators' part.

The translation is faithful, and is made more intelligible by glossaries of untranslatable Russian words, technical terms, offices, measures, and the like, and by notes explaining persons and places mentioned: these explanations are given rather at haphazard, e.g. in the account of the battle of the Kalka (A. D. 1224) we are told that Eremai = Jeremiah, and Kostyantín and Elena = Constantine and Helen, but get no help about the less transparent Mefodi of Patmos (really Methodius of Patara), the Yas (Ossetes), Obez (Abasgi), and Kasog people (a Turkish tribe), Oleshe (Oleshye = Aleshki, the transliteration takes no account of the 'soft sign', so they write Solovev for Solovyov), S. Falalei (S. Thallelaeus), and other names which are not past finding out. Names are given in various forms exactly as they occur and not standardized, and this is well; but a little information about the interchange in the Novgorod dialect of *ch* and *ts*, *o* and *a*, and the like, and also about diminutive forms, would have accounted for surprising varieties, while the addition of accents and a clear statement of the system of transliteration used would have enabled the reader to form some idea of pronunciation. Perhaps it would be too much to ask for a sketch-plan of old Novgorod and a map of Russia in the twelfth to fifteenth centuries. The index is not as full as it might be. But the main thing is the text in English dress, and for that all who do not read old Russian, but are interested in the history of old Russia, may well be thankful.

ELLIS H. MINNS.

The Age of Erasmus. Lectures delivered in the Universities of Oxford and London by P. S. ALLEN, M.A. (Oxford: Clarendon Press, 1914.)

The Praise of Folly. Written by Erasmus 1509 and translated by John Wilson 1668. Edited with an Introduction by Mrs. P. S. ALLEN. (Oxford: Clarendon Press, 1913.)

'To present sketches of the world through which Erasmus passed' is Mr. Allen's main object in these lectures. He attains it by making the thoughts and actions of individuals, whenever possible, throw light on the character of the time. For this he is admirably equipped by his wide and accurate knowledge of the lives and letters of Erasmus's contemporaries. The first half of the present book illustrates, by means of plentiful personal details, the first beginnings of the Renaissance in Germany, and the struggle of the new spirit with the old in schools, monasteries, and universities. Lecture v recounts Erasmus's services to biblical and patristic learning; vi-viii are occupied with the social conditions of the age and its mental attitude; ix treats of pilgrimages, and in x a contrast is drawn between the Renaissance in Italy and Germany. The book concludes with a paper on 'Erasmus and the

Bohemian Brethren' read before the Historical Congress of 1913. There is no preface, and the paucity of references lends a somewhat popular appearance to the collection. The author must have found it hard indeed to select from the vast material at his disposal, and some of the lectures suffer from internal disconnectedness. Continuous narrative has been most successfully employed in 'Monasteries' and 'Pilgrimages'. In Lecture i, which describes the group of humanists who, in the generation before Erasmus, used to meet in the Cistercian abbey of Adwert, the statement that 'the Bishop set him [Wessel] over a house of nuns at Groningen' is vague. Wessel was not in orders: what was his exact office? On p. 16 the words ascribed to Agricola, 'Ferrara is the home of the Muses—and of Venus,' are misleading. Agricola was careful to add ('Lucubrationes,' Cologne, s.a., p. 156) '*Absit sinister interpretres*', explaining that by Venus he means, not the goddess of Love, but elegance, leisure, peace, &c. In the section on Schools, some of the principal medieval grammars and dictionaries are described; the details occasionally invite correction. There is nothing surprising (p. 39) in *ymas* being explained as *nobis*, not *vobis*. E. Habel, *Der Deutsche Cornutus*, i. 28, points out that *ymas* = *imas* = *himas* = *hemas* = ἡμᾶς. On p. 47 the phrase *lucus a non lucendo* is based on the derivation in Balbi's *Catholicon*, *per contrarium lucus dicitur a non lucendo*; but *lucus a non lucendo* is found in Servius's comment on *Aeneid* i. 22, and attributed by Lactantius Placidus, in the Scholia on Statius, to the grammarian Lycomedes. On p. 49 the statement is apparently made that the arrangement of words in a dictionary by roots instead of alphabetically has been disused since the end of the seventeenth century. The radical method was adopted in the earlier editions of Skeat's *Concise Etymological Dictionary*, in which on turning to *trousers* the reader used to be referred to *torture*.

Particularly interesting in the lecture on Universities is the account of the study of Greek in England during the latter half of the fifteenth century (pp. 127-8). One is so often put off with generalities about scholasticism that it is refreshing to have definite examples of theses, and the arguments by which they were supported (pp. 107-11). Perhaps a warning might have been added that the influence of scholasticism in universities died harder than is sometimes supposed. Mr. Courthope has traced its effect on English poetry in the seventeenth century. In the chapter on Erasmus's Life-work we are told that no one reads the *Adagia* to-day. Surely the book must be studied by any one who would trace to their source the countless Greek and Latin proverbs cited by authors of the sixteenth and seventeenth centuries. The remarks on Erasmus's practice as regards proof-sheets (pp. 159-60) are instructive. Attention, too, may be drawn to pp. 258-63, in which the special part played by printing in the Renaissance is discussed. Though the book abounds in first-hand information, and though the details are duly subordinated to the principles which they illustrate, the method of presentation is a little disappointing. One would not wish to judge a lecturer's style by the standard applicable to a formal treatise, and to talk of 'quite a number of contracts' is no moral offence; but, whatever the licence of a lecturer, the reader is apt to resent colloquialisms in cold print. There are cases,

too, where the author would seem to have taken a fancy to individual words, which, though excellent in themselves, are out of keeping with their surroundings. On p. 126 a sentence opens with an adaptation of Heb. xi. 32, and ends with 'let alone those who went and did not win fame'.

While gladly welcoming these chips from Mr. Allen's workshop, may we hope that he will some day spare time from his great work on Erasmus to give us a finished study of one or more of the figures he has here, so attractively sketched. A note or two on special passages may be added. P. 49: 'You may see Dutchess with a t at Blenheim well within the eighteenth century.' Anne Hyde is still commemorated in Dutchess County, New York. P. 89: 'Ascension Day 1504, which appears from other indications to mean 15 August.' Is not the Assumption meant? P. 112: *Omne ignotum pro mirifico* is not what Tacitus wrote. P. 175: 'Even in the eighteenth century church offertories were asked and given to loose captives out of prison.' The history of the Craven Scholarships supplies a good parallel. On p. 233 Mr. Allen remarks of the ship of 800 tons in which Torkington sailed from Venice to Jaffa in 1517, 'If the figure is correct she was a large vessel for the times.' An examination of the manuscript justifies the text. An expert nautical opinion might be useful.

In conclusion we may notice an attractive reprint of the English translation of the *Praise of Folly*, by John Wilson, the Restoration dramatist (1668), edited by Mrs. Allen. The introduction supplies a short account of Brant's *Narrenschiff*, which 'set the fashion in fools', with its translations and enlargements, of the publication of Erasmus's *Laus Stultitiae* and of its chief English versions. A few obvious mistranslations, we are told, have been corrected. In some places, however, Wilson's mistaken rendering has been allowed to stand. On p. 31, for instance, 'They give up the Reins to their Governour' misses the point of *laqueum regi suo remittunt*.

E. BENSLEY.

Select Charters of Trading Companies A.D. 1530-1707. Edited for the Selden Society by CECIL T. CARR. (London: Quaritch, 1913.)

ALTHOUGH there is ample room for this volume even after the appearance of Dr. Scott's three volumes on *Joint Stock Companies*, the publication of the latter whilst the former was in preparation undoubtedly made the editor's task much more difficult. Nevertheless he may claim to have accomplished it with credit to himself and with benefit to students, and his work has independent value for economic and institutional history. The very full and careful Introduction gives a succinct account of the chartered companies (grouped according to the character of their undertakings), illustrated by an admirable body of notes and references. Of the charters themselves, special interest attaches to those which were conferred on other than joint stock companies and so cover ground not traversed by Dr. Scott. The charter of the merchants trading to France is one of these. An Act of 1605 had declared trade with Spain, Portugal, and France open, thereby nullifying a charter previously granted to a Spanish company. In 1611, after the breach with parliament in

1610, a large number of monopoly patents were issued and amongst them this charter, which explicitly sets aside the Act of 1605 and confers the monopoly of the French trade on a company with 203 London members and a greater number from the ports of York, Gloucester, Plymouth, Hull, Southampton, Ipswich, Totnes, Bridgewater, Taunton, Dorchester, Tavistock, Lewes, Bideford, Poole, and Barnstaple. The company was to admit new members at an entrance fee of four pounds, or of ten pounds after a year; but all retailers, clothiers, or Blackwell Hall factors were excluded. The charter is thus a partial concession to the demands for freer trade; it opens the door fairly wide to the provincial merchant and endeavours to gain his support by excluding his natural competitor, the clothier or factor. Such restrictions were fatal to the expansion of the export trade in textiles, and their removal after the Revolution was one of the main conditions of industrial development.

The lists of members, very properly given in full, would, under patient analysis, yield valuable results. Even a cursory examination of them suggests inferences as to the combination of political, social, and economic interests that underlay the chartered company of this period—the greater and lesser courtiers, the city financiers, the projectors and inventors, the rank and file of merchants and investors. Here is the clue to the two chief causes of the failure of early joint stock enterprise—the watering of capital revealed by the recurrence of such names as Leicester, Pembroke, and Cecil under Elizabeth, as Northampton and Bacon under James I, or as Buckingham, Arlington, and Shaftesbury under Charles II, and the chronic mismanagement described by Pepys in the case of the Royal Fishery—‘the loose and base manner that monies so collected are disposed of’, ‘the inconvenience of having a great man though never so seeming pious as my Lord Pembroke is’. The final section of Mr. Carr’s Introduction on the legal and other formal aspects of company development might perhaps with advantage have been a little fuller.

G. UNWIN.

Russian Expansion on the Pacific 1641–1850: an Account of the earliest and later Expeditions made by the Russians along the Pacific Coast of Asia and North America; including some related Expeditions to the Arctic Regions. By F. A. GOLDER (Cleveland, Ohio: The Arthur H. Clark Company, 1914.)

It may be said at the outset that the author of this book has produced an extremely valuable and interesting piece of work, and that those who are attracted by the subject would welcome several more volumes of the same kind. Mr. Golder spent some years in Alaska in the service of the United States government, after which he desired to write a history of that dependency; he found, however, that the discovery of Alaska, which he had, somewhat ingenuously, ‘regarded as a beginning chapter of American history’, was really ‘the closing chapter of a period of Russian expansion’. As a result of this the author saw himself forced to study the history of Siberia, the adventures of the Russian pioneers, their attempts to make

money out of the natives, the attempts of their government to make money out of them, the system of administration set up with this object by the Russians in eastern Siberia, and the efforts at the exploitation of the coasts of that country initiated by the Russian government; he tried to 'work up the background of Siberian history from secondary authorities', but as these turned out to be 'unreliable', he was fortunately compelled to study the original documents (which are throughout this volume termed 'source material'). Presumably in the course of this study Mr. Golder acquired a knowledge of Russian. The greater part of the book is devoted to the history of the exploration, exploitation, and subjugation of eastern Siberia by the Russians, and of the voyages of exploration in the Pacific which were carried out by them with the aid of foreign navigators and men of science (Danes, Germans, Swedes, French, and English) employed by the Russian government between the years 1640 and 1750.

Chapter i contains an interesting account of the system of administration of eastern Siberia in the seventeenth century. All the energies of private individuals and of officials were concentrated on the fur trade, the collecting centre of which was Yakutsk, a fort established in 1632, two years after the discovery of the river Lena. Agriculture and mining played no part in those days in eastern Siberia; the revenue of the province, the income of the Russian immigrants, and the salaries of the officials were all derived from fur, a constant and plentiful supply of which was the price the natives had to pay in return for the benefits of the Russian administration.

Chapter ii is devoted to the history of the armed conflicts between China and Russia during the second half of the seventeenth century for the possession of the control of the river Amur. The Chinese were blind to the dangers which threatened them, and mistook the slow but ever-increasing Russian pressure eastwards for desultory raiding. The brave and peace-loving Chinese, at the same time, always fought with superhuman gallantry against the wiles, the treachery, the arms, and the overwhelming numbers of their brutal opponents. Mr. Golder has his knife deep into the Russo-German historian Muller, one of the 'secondary authorities', who looked on the Russian pioneers as martyrs of civilization; obviously they were not that, and Mr. Golder labours the point excessively. When they get in the way of the progress of culture the unfortunate natives always come off badly, whether it be in the Congo, in Brazil, in the United States, or in Siberia. In extremely hot and extremely cold countries, such as central Africa or eastern Siberia, the rigours of the climate exasperate the tempers of the pioneers and partly explain, though they cannot condone, their harsher exploits; the north American Indians have been eliminated doubtless in a humaner way. As regards the Chinese, it is difficult to think they were so virtuous and lamblike as Mr. Golder would have us believe. Again, it is impossible not to admire the courage and tenacity of the Russians, whose numbers cannot have been large, and who, moreover, were fighting thousands of miles from their homes, surrounded by enemy tribes in an enemy country, and menaced perpetually by the terrific Siberian climate.

Chapters iii-viii are entirely taken up with detailed descriptions and critical analyses of the various voyages of exploration undertaken in the northern Pacific at the instigation of the Russian government, and of the emperors and empresses from Peter the Great onwards. The immediate object of all these expeditions was to extend the limits of the Tsar's dominions as well as those of science, but their ultimate aim was to discover whether America and Asia were joined together by land or not. None of the explorers, from Dezhnev to Behring, in spite of their intrepidity and perseverance and their awful hardships, succeeded in establishing the truth. Dezhnev claimed to have sailed from the Kolyma to the Anadyr in 1648, i.e. to have doubled the East Cape, the eastern extremity of Siberia; but Mr. Golder in the course of his third chapter definitely disproves this assertion, which had been championed by the above-mentioned Muller. Behring again, who spent years of his life and eventually sacrificed it on a desert island (December 1741) in the service of the Admiralty College at Petrograd, and in the course of his voyages touched the coast of Alaska, did not definitely prove that America was separated from Asia by water, though he firmly believed that it was. Chapters vi and viii describe Behring's two great expeditions (1725-30 and 1733-42) and are most interesting if harrowing reading. Chapter vii gives an account of the voyage of the explorer Gvozdev, who touched the coast of Alaska, called then the Great Land or *Bolshaya Zemlya* (and therefore unwittingly 'discovered' America from the west), in 1732. Chapter iv describes the discovery of Kamchatka and the Kuril Islands at the beginning of the eighteenth century, and ch. v that of the Japanese island of Yezo about the same time; this island, often called *Terra de Jeso*, had first been reported in 1566 in Europe by a Jesuit and was long considered a peninsula.

The fact that Asia is divided from America by water was only definitely established by the Russian explorer Wrangell, who traced the whole coast of north-eastern Siberia in 1823 on land, and by the voyages of Cook and Billings. This episode, the survey of the Amur region, and the definite location of the island of Sakhalin, are described in ch. ix, which in a few pages covers the period 1750-1850. It is curious that the waters round Sakhalin and the mouth of the Amur were virtually unexplored and uncharted so late as the time of the Crimean War. Ignorance of the geography on the part of the commander of the English squadron enabled the commander of the Russian fleet in those waters in 1855 to outwit his opponent, who thought he had cornered the Russians in a land-locked bay; the latter took advantage of the fog to slip out and escape into safety up the mouth of the river Amur, and from that day it became generally known that Sakhalin is an island and not a peninsula.

If any criticism of Mr. Golder's excellent book may be made, it is that he does not give any impression of historical continuity between his several most interesting chapters. They appear more in the light of isolated episodes, and are not properly welded into a continuous whole; this applies especially to the first two chapters, which are more like elaborate appendices brought from the end to the beginning of the book, while the matter of ch. ix (1750-1850) if properly worked up could easily fill a volume by

itself. The appendices are if anything unnecessarily full, giving some of the original documents both in the original French or German and in English. The index is excellent, and not the least attractive part of the book is the series of admirable reproductions of contemporary maps and plans. The book is written in a picturesque, though sometimes rather naïve and puritanical style, and is, except for the frequent misprints in the Russian names, very well printed and produced. The method of transliteration of Russian names adopted is that of the United States Bureau of Hydrography, but all the same it is not satisfactory or even consistent; e.g. 'J' is made to stand for Y in Yakutsk (by Mr. Golder spelt Jakutsk), and for *dy* in such names as Tredyakov (spelt Trejakof); *w* again is not the English equivalent of the Russian *v*, 'woevod' (officer) is very misleading, and should be written 'voyevod', and 'Dvina' should be 'Dvina'. The only excuse for several important errors, often repeated (e.g. on pp. 19, 67, and 342), in the transcription of Russian words is that they may be misprints. The references are given in plenty and the ample footnotes are very informative. Altogether the book is an excellent contribution to knowledge of a subject that is very little known.

NEVILL FORBES.

Macaulay's History of England. Illustrated edition. Vols. V and VI.
 Edited by CHARLES HARDING FIRTH. (London: Macmillan, 1914-15.)

THESE two volumes conclude this valuable illustrated edition of Macaulay's famous work. We congratulate Professor Firth on the success which has been shown by each volume of the series. In criticizing the earlier volumes of this edition, we have called attention to the difficulties in the way of the editor who seeks to illustrate such a work, as well as to some of the pitfalls into which an unwary editor may find that he has strayed. We are disappointed to find that Professor Firth, although he is dealing with a period in which hardly any leading historical personage escaped actual portraiture from life, is yet content to make use of engravings, which at their best can only give historical evidence at second- or third-hand. As a trustee of the National Portrait Gallery, Professor Firth has had access not only to that gallery, but to the copious sources of information preserved there, which would have enabled him to add many examples to the small selection of original portraits which have been reproduced in these volumes. We wish to lay stress upon the point that these original portraits may be looked upon as actual historical documents, whereas engravings, unless they are done *ad vivum*, can only be regarded as transcripts. In many cases the transcript may be the only version accessible, but even then care in selection must be exercised. Some engravers, notably the Dutch mezzotint-engravers Gole, Schenck, and others, are mere caricaturists, producing rough cheap work for popular consumption. Where caricature or satire is intended, some historical significance may be latent in the engraving; but where it is simply rude want of skill, their appearance in such important volumes as these is much to be regretted. Whereas Professor Firth is sometimes unkind in this way to the actors in the drama which he is illustrating, he is

unexpectedly lavish towards others. John Lord Somers, a most estimable statesman, to whose great parts Macaulay pays special homage, is honoured by two portraits in volume v and three portraits in volume vi. Edward Russell, earl of Orford, also is reproduced three times in volume vi, when once would surely have been enough. The period covered by Macaulay's *History* is unluckily one in which the art of painting was sadly overweighted by the hideous fashions and conventions of costume at court and among the aristocracy. We are disposed to lay the blame at the charge of the nation, and not of the painters and engravers. Kneller, Closterman, Wissing, and other portrait-painters in England were admirable face-painters and delineators of character, but pictorially are hopelessly lacking in distinction and grace, in which they are easily outshone by the French painters, Rigaud, Largillière, and others, in whose hands even a full-bottomed wig or a conventional breast-plate became a matter for artistic treatment. The French engravers also of this period attained in some of their engraved portraits a very high-water mark of excellence from a technical point of view. Fortunately Professor Firth has been able to introduce a great number of these admirable French portraits into his series of illustrations. At the risk of seeming captious we would point out that if a print be published, for instance, *chez Mariette*, it may be assumed that Mariette was not the painter or engraver, unless there is other evidence to support such a statement.

It must not be inferred from such criticisms that we in any way fail to appreciate this valuable edition of a famous history. It is an edition which should be in every library. The illustrations give a lively impression of the period, and enhance the value of Macaulay's wonderful prose. Now that the processes of illustration have become so easy and so inexpensive in most cases, it is to be hoped that many other historical works may be illustrated in the same way. In such case our remarks on the methods of historical illustration may be thought worthy of some notice and not be entirely neglected.

LIONEL CUST.

Berkeley and Percival. By BENJAMIN RAND. (Cambridge: University Press, 1914.)

DR. RAND, who has already deserved well of students of our philosophical literature by his discovery and publication of Shaftesbury's *Philosophical Regimen* and *Second Characters*, has now presented them with the hitherto unpublished correspondence of Berkeley from 1709 to 1742 with John Percival, first Earl of Egmont. Percival went up in 1699, at the age of sixteen, from Westminster School to Magdalen College, where, according to his tutor, Smalbrook (one of the 'Golden Election' of demies to which Addison belonged), 'the greatest occasion of' his 'expenses' was 'his love of music, which has engaged him to have more entertainments than otherwise he would have had'. The observation sounds pleasantly familiar in the ear of a Magdalen tutor of later date. The Oxford residence of Percival lasted less than two years; seven years after his departure from the university he met Berkeley, then a young Fellow of Trinity College, at Dublin and formed with him a close friendship not to be

interrupted till the philosopher's death in 1753. This intimacy has escaped the author of the notice of Percival in the *Dictionary of National Biography*, in which the name of Berkeley does not occur at all.

The correspondence of the two men, while throwing no new light on the development of Berkeley's thought, affords a pleasant picture of one to whom his friend Pope attributed 'every virtue under heaven' and who recommended philosophical speculation to his contemporaries by a personality of singular amiability and rare social charm. In an age in which an open pursuit of preferment was thought only natural in a clergyman, we see Berkeley joining in the pursuit indeed, but with the one intent of using the wealth it might bring for the promotion of his quixotic project (which a shrewd Virginian correspondent of Percival's 'took liberty to call a very romantic one') of founding a college in the Bermudas, where 'the English youth of our plantations' might 'be educated in such sort as to supply their churches with pastors of good morals and good learning; a thing (God knows) much wanted'. He persuaded not a few of his friends—'a dozen men of quality and gentlemen', so he tells Percival in 1723—to promise, if once the scheme were set afoot, to retire to this favoured spot, 'where they have a soft freestone like that of Bath and a soil which produces everything that grows in America, Europe, or the East, and where a man may live with more pleasure and dignity for £500 per annum than for £10,000 here; in short where a man may find, in fact, whatsoever the most poetical imagination can figure to itself in the golden age, or the Elysian fields'. He hopes that Percival and his wife will join this band of willing exiles, and that the latter, who suffered from colic, may obtain there 'the perfect recovery of her health'; which indeed is not to be looked for 'this side Bermuda', notwithstanding the advantage of 'drinking a pint of good fresh coffee', which the future apostle of tar-water hastens in the meanwhile to recommend with characteristic enthusiasm. Percival was full of admiration for Berkeley's plan, which he thought would exalt his friend's name above Xavier's, and wipe out the reproach 'which Papists cast upon us as not having the care of the infidels' souls at heart'. He had no sympathy with a certain 'very good Lord', 'the ornament of the nobility for learning and sobriety', who feared that learning would tend to make the colonies independent of the mother country, and considered that 'the ignorance of the Indians and the variety of sects in our Plantations was England's security'. He seriously considered the possibility of the migration which Berkeley urged upon him; and was prepared to trust his son George to accompany his friend (after whom he was perhaps named) as his first student to what might yet be 'the Athens of the world' (for, as Berkeley's well-known verses, the occasion of writing which is made plain by these letters, proclaim, 'Westward the course of empire takes its way'); but the boy died while these plans for his education were being laid.

The failure of the project was assured—even in the revised form which it assumed after Berkeley had crossed the Atlantic, and in which Rhode Island took the place of 'the remote Bermudas'—when Walpole let it be known that the promised government grant of £20,000 would never be paid; and Berkeley returned, disappointed but with the resignation of

a truly religious man, to the less exciting duties of an Irish dean and bishop. Soon afterwards he met at Percival's table General Oglethorpe, the founder of the colony of Georgia, who thus forms a link between the missionary enterprise of Berkeley in the New World and that of the Wesleys and Whitfield.

We have glimpses in this correspondence of more than one well-known person. Swift's Vanessa leaves Berkeley a large legacy, which he welcomes as an encouragement in his missionary schemes; she had, it seems, no personal acquaintance with him, but had perhaps learned from her beloved master to see in him (to quote words used by Swift to the Lord-Lieutenant Carteret) 'one of the first men in the kingdom'. Addison Berkeley calls 'a great philosopher, having applied himself to speculative studies more than any of the wise that I know', and also 'a very sober man' notwithstanding the 'two or three flasks of burgundy and champagne' with which, during the first performance of *Cato*, the poet 'thought it necessary to support his spirits'. This was in 1713. In 1730 Berkeley's correspondent of the earlier date entered in his Journal (as quoted by Dr. Rand in the *Athenaeum* for 6 March 1915, p. 214)—on the authority, as it seems, of Dean Gilbert of Exeter, afterwards archbishop of York:

He (Addison) was so shy that if one stranger chanced to be in company, he never opened his mouth, though the glass went cheerfully round; nor did he show himself to his friends till past midnight and rather towards morning, and then, being warmed with his liquor and the freedom of select friends, he was the most entertaining man in the world. Latterly he took to drinking drams, which exhausted his vital spirits.

A few passages illustrate the impression made by Berkeley's philosophical and theological writings. On the appearance of the *Principles of Human Knowledge* in 1710, Percival sends to Berkeley the criticism of some friends to whom he has mentioned it; but none of them, in Berkeley's opinion, 'opposed it with reason and argument' except Lady Percival, who had not indeed, it seems, read it, but who desired to know how Berkeley reconciled his doctrine with the Scriptural account of creation. To her Berkeley replies by interpreting 'were created' as 'became perceptible' to finite beings. In 1713 the *Principles* procure him the acquaintance of Steele; the *Dialogues* make a proselyte of Arbuthnot; and Percival hears 'that Mr. Addison is come over' to the Berkeleian theory. *Alciphron*, published twenty years later, attracted, as was natural, the attention of a larger public, and Percival's sister reports that it is 'the discourse of the Court and that yesterday the Queen'—the philosophic Caroline—'commended it at her drawing-room'. *Alciphron* is perhaps, as Dr. Rand suggests, less than fair to Shaftesbury; to whose claim to be regarded as a serious thinker on moral subjects Butler showed himself more just. But the general attitude of Berkeley towards theological opponents is notably liberal and appreciative. He expresses a cordial admiration of Whiston's readiness to face worldly loss for conscience' sake; pronouncing his scruple with respect to addressing prayer to any other Person of the Trinity than the Father 'an error in point of judgement', but his 'generous contempt of the things of this life' a rare exhibition of the 'great perfection and badge of Christianity', 'the surest

mark of a true Christian'. Berkeley's own foundation for three divinity students at Yale 'without restraining them to be members of any particular church' 'greatly softened' (so Percival tells us) 'the dissenters to the church of England'.

On the question whether Berkeley ever met Malebranche this correspondence throws no new light. On 24 November 1713, he writes to Percival from Paris that 'Monsr. l'abbé d'Aubigne' is that very day 'to introduce him to F. Mallebranche, a famous philosopher in this city'. But there is no record of the introduction having taken place; while in 1715, when legend makes a heated discussion between the two philosophers cause the death of the elder, Berkeley was in London. The late Professor Fraser had already shown that the story was apocryphal; but by an ingenious speculation as to what Berkeley *might* have said to Malebranche, had they met, he inadvertently misled Professor Höffding into the belief that a conversation on the lines suggested actually took place.

In conclusion one or two small slips may be noted. 'The character I am not all fond of' in a letter of Berkeley's on p. 85 is not (as Dr. Rand says, p. 7) Dr. Sacheverell, but 'the reputation of being a great admirer of Dr. Sacheverell's'. Mr. Arthur Balfour should not be called, as on p. 48, the Hon. A. J. Balfour. It is odd if Berkeley really called Atterbury a bishop before he became one (p. 118). There is a misprint of *ruente* for *mente* in a Latin letter of Berkeley's on p. 26 and of 'Trejus' for 'Fréjus' on p. 229. It might, by the way, have been mentioned that the bishop of Fréjus, to whom reference is here made, was the celebrated Cardinal Fleury. Did Berkeley really write *Commendum* for *Commendam* (pp. 284, 285) and *Orbaldeston* for *Osbaldeston* on p. 285? C. C. J. WEBB.

The Correspondence of Jonathan Swift. Edited by F. Elrington Ball. Vols. III-VI. (London: Bell, 1912-14.)

THE earlier volumes of this edition have already been noticed (*ante*, xxvi. 391; xxvii. 407). The text of the later letters is edited with the same scrupulous care and the notes are equally full. In short, Mr. Elrington Ball has completed an edition which will be indispensable to scholars, and all his editorial work deserves the highest praise.

The collection of Swift's letters includes all those published separately since the appearance of Scott's edition of Swift, whether contained in publications such as Dr. Birkbeck Hill's edition of the correspondence of Swift with Chetwode, or in the Orrery Papers, or printed by Sir Henry Craik, Dr. Stanley Lane-Poole, and other writers on Swift. A number of letters previously printed from copies or drafts are now given from the originals. In some cases the result is of considerable interest. Of one such example Mr. Ball says: 'A comparison of this letter as given here with the version hitherto printed from the draft, shows the extraordinary pains which Swift continued to take when writing letters of importance. There is no alteration in the arguments, but by the elimination of every unnecessary word and rearrangement of his sentences, the length of the letter is correspondingly reduced and its force increased in a corresponding degree' (v. 126). 'A considerable number of new letters are added from the British Museum, the

Forster Collection, and from papers reported on by the Historical Manuscripts Commission, in particular from those of Mrs. Stopford Sackville, the Duke of Portland, and the Marquis of Bath. The discovery of the transcripts at Longleat in 1871 revealed no less than three unprinted letters from Pope and five from Swift, besides enabling large additions to be made to those already published' (vi. 198).

The question whether any new letters of Swift's are likely to be discovered in future is naturally one of considerable interest. It is very improbable that new letters to Swift will be found. 'When I was leaving England upon the queen's death', wrote Swift in 1735, 'I burnt all the letters I could find that I had received from ministers many years before. But as to the letters I receive from your ladyship, I neither ever did or ever will burn any of them, take it as you please; for I never burn a letter that is entertaining, and consequently will give me new pleasure when it is forgotten. It is true, I have kept some letters merely out of friendship, although they sometimes wanted true spelling and good sense, and some others whose writers are dead; for I live like a monk and hate to forget my departed friends. Yet I am sometimes too nice: for I burnt all my Lord ——'s letters to me upon receiving one where he had used these words to me, "all I pretend to is a great deal of sincerity", which indeed was the chief virtue he wanted. Of those from my Lord Halifax I burnt all but one, which I keep as a most admirable original of all Court promises and professions' (v. 186). Mr. Ball examines minutely the fate of Swift's correspondence from 1714 to 1726, concluding that 'the greater number of the letters from his more prominent correspondents have been preserved.' For that period 'there is no indication that a single letter is missing of those which he received from Arbuthnot, Atterbury, Bolingbroke, the Duchess of Ormond, Prior, and the first Earl of Oxford.' On the other hand, the greater number of Swift's letters to Bolingbroke are missing; 'a casual disposition accounts for a similar circumstance in the case of Arbuthnot, and also no doubt in that of Prior.' Further, while Swift's Irish intimates saved his letters he preserved few of theirs (iii. 451-3).

As to the preservation of Swift's correspondence from 1728, the most important portion of those addressed to him by his friends in England has survived, but some letters of interest from correspondents in Ireland may have been destroyed. 'Swift's own letters, however, have not escaped destruction to a similar extent, and a larger number are missing than in the preceding period.' Lady Elizabeth Germain destroyed the whole of his letters to her, and Mrs. Pendarvis burnt all but three. 'In the case of his letters to Bolingbroke, Pulteney, Bathurst, Carteret, Arbuthnot, and Ford, the series is also imperfect' (vi. 202-4). Mr. Ball notes the existence of a certain number of letters, dispersed at sales, or for other reasons inaccessible, and marks their place in the series he has published. Some of these are in the hands of collectors, and will no doubt be printed in time.

In annotating the letters, Mr. Ball has followed the precept of Swift himself. Speaking of the *Dunciad*, Swift wrote to Pope: 'The notes I could wish to be very large, in what relates to the persons concerned; for I have long observed that twenty miles from London nobody understands

hints, initial letters, or town facts and passages, and in a few years not even those who live in London' (iv. 38). The references the letters contain to Irish affairs and Irish personages, which previous commentators have often left unexplained, are always elucidated in this edition. The index of correspondents and the general index, both by Miss Constance Jacob, are very full and accurate. Any one who has attempted to find facts or references by searching Scott's index will appreciate their value. The appendices are very numerous and contain dissertations on a variety of subjects, Swift's travels in Ireland, Swift's relatives on the paternal side, &c. In one, on Swift and the Dryden family, Mr. Ball comes to the conclusion that Elizabeth Dryden, Swift's grandmother, was in all probability daughter of Nicholas Dryden, who was himself a younger brother of the poet's grandfather, Sir Erasmus Dryden. Swift's relationship to the poet therefore was that of 'a second cousin once removed' (v. 452). In connexion with the appendix on Swift relics, it is perhaps worth observing that Swift's copy of the *Dunciad* was in the possession of the late Professor James Rowley of Bristol.

In conclusion, while the later portion of Swift's correspondence provides more materials for Irish than for English historians, there are many sidelights on English politics in the letters he received. The letters from Pulteney are of special interest in this respect. C. H. FIRTH.

La Guerre de Sept Ans ; Histoire Diplomatique et Militaire. Vol. V : *Pondichéry-Villinghausen-Schweidnitz.* Par RICHARD WADDINGTON. (Paris, Firmin-Didot, s. a.)

UNLESS, as we would fain hope, the late M. Richard Waddington has left behind him both material and directions for the completion of his important work by another, perhaps a specially trusted, hand, we fear that this is the last volume of his *History of the Seven Years' War* which we shall have the satisfaction of noticing in this *Review*. Since, in his admirable *Renversement des Alliances* (1896), he first displayed his matured capacity for unravelling the complications of eighteenth-century diplomatic history, he has carried his narrative of the great struggle of which the transactions there discussed were the prologue nearly to its end; but there remains to relate, together with the later military operations of 1762 in the western theatre of the war, the progress of the peace negotiations from the preliminaries of Fontainebleau onwards to the close. M. Waddington's judgement of the action of Great Britain, which so deeply incensed Frederick the Great, but which we have of late been invited not to regard altogether from his point of view, would have been particularly welcome; in the present volume we see how, quite early in 1762, Bute had by order of his sovereign instructed Mitchell to represent to the Prussian government that the time had come for thinking seriously of peace, since the court of St. James's could not carry on the war for ever in order to please his Prussian Majesty.

As it is, M. Waddington's fifth volume is inevitably broken up into chapters treating of diplomatic and military affairs in very different parts of the empire and even of the globe, and its sub-title (Pondi-

chéry-Villinghausen-Schweidnitz) has an exceptionally disjointed look. What really gives such unity as it possesses to this part of the story, inasmuch as it marks the beginning of the end, is, of course, to be found in the strange twofold περιπέτεια of the advent to power of Peter III of Russia, and of his swiftly ensuing catastrophe. Before, however, this section is reached, the history has taken us, in the first instance, to the Far East, and has recalled one of the most memorable episodes in the history of British India, if its consequences be taken into account. For, though Coote's victory over Lally at Vandavachy was an affair in which the actual number of troops engaged can hardly have exceeded 4,000 Europeans on both sides and as many natives on either, it virtually decided the question of the future French dominion in India; and the subsequent fall of Pondicherry, followed by the demolition of its fortifications, put an end for ever to any hope of the realization of the aspirations of Dupleix. Lally-Tollendal's own story is a grievous one; but it is one of the horrors of war that its catastrophes require scapegoats, and, though the isolation of Lally was not really his own fault, there seems reason for supposing that but for his utter prostration at Pondicherry he might by a bold stroke have at least prolonged resistance. Of less interest is the account, in M. Waddington's second chapter, of the second and successful British attempt upon Belleisle, made after peace negotiations had already begun; so that Choiseul in his wrath actually contemplated reprisals upon Dover, but abandoned the design on its being represented to him that 'the 6,000 men who might be employed for the purpose, after having produced a good deal of emotion, might see their retreat cut off and be themselves lost.'

In the ensuing series of chapters we find ourselves in the two theatres of the German war, and, to begin with (for M. Waddington, though a most careful military historian, whose narrative is, moreover, illustrated by excellent maps, is unable to interest ordinary readers in such campaigns as he has here to trace), plodding through the wearisome recital of the shortcomings of Soubise and Broglie, which brought to Ferdinand of Brunswick the not eminently glorious laurels of the western campaigns of the summer and autumn of 1761. Both marshals were censured, with apparent impartiality, by the Duc de Choiseul at Versailles; but the Duc de Broglie was without the powerful support on which his fellow-marshal could depend there, and in the end Choiseul, Soubise, and the Pompadour were united against him, so that he fell, although (curiously enough) his brother the Comte de Broglie remained in office as director of the king's secret policy. M. Waddington is, no doubt, right in concluding that, as a military commander, Broglie was in the right as against Soubise; but, in any case, the picture of the king's weakness and Choiseul's 'arbitrariness' could not easily be overdrawn.

Frederick II's prospects had, by this time, become very gloomy; a separate peace between Great Britain and France seemed far from unlikely, and no effective support appeared forthcoming for him against Austria, unless he could induce the Porte and the Khan of Tartary to take up arms against her. But, on the Austrian side, there was less confidence than might have been expected; Maria Theresa would not trust Laudon,

although his capture of Schweidnitz seemed almost to put an end to the campaign; and so much did she incline to peace that British diplomacy was not without hopes of engaging the co-operation of Austria against the policy of the *pacte de famille*. On the other hand, at St. Petersburg there was little real desire for the prolongation of the conflict, which had really all along been the Empress Elizabeth's war rather than that of the Russian nation.

And it was here, as already observed, that the decisive change of policy was to take place. The story of Elizabeth's death, preceded by a long period during which she had remained in almost absolute seclusion, of Peter's accession and his brief reign, and of the palace revolution through which his consort Catharine II took his place, loses nothing in M. Waddington's hands. We learn from it that Peter's 'mentality', though, even before his accession, it had been that of a madman unable to distinguish between what was honourable and what was not, did not lead him to any acts of violence, and that the offence given by him to his subjects at large lay in his disregard for their religion. We also learn, from what followed after his death, when the reins had passed into the hands of his wonderful widow, that her policy was not, like his, a mere antithesis to that of her predecessor, but was rather based on a resolution to play the part of mediatress in the coming peace. This policy, as M. Waddington suggests in a passage where he reluctantly takes leave of a subject to which it was not to be given to him to return, was to lead, ultimately, to the idea of the partition of Poland.

The news of Peter's dethronement reached Frederick II when he was preparing to give battle to Daun in Silesia, in order to cut him off from Schweidnitz, now in the occupation of Austrian troops. He contrived to persuade Czernitchew to delay his departure from the Prussian camp for a few days, and thus to give the king the 'moral support' of his presence on July 21, the day of the Prussian victory at Burkersdorf. The siege of Schweidnitz could now begin, and by October ended in its fall. In Saxony, Prince Henry, after a difficult campaign which had at one moment all but led to his resignation of his command, which his royal brother blankly refused to accept, gained the victory of Freiberg; and here too a respite had been gained for the coming winter—the last winter of the war. Both the king and his brother were soon to reap the reward of their heroism.

The text of this volume is not without occasional misprints. 'Sayalfeld' (p. 275) should be Saalfeld; the 'family of Catherine Zerbst' reads oddly (p. 299), and Peter III is, in a circular dispatch to his allies, by a misplaced capital letter made to place an exorbitant value upon himself: '*Elle* (i. e. his Majesty) *souhaite de procurer la paix à Son Empire, à qui Elle [sic] est si nécessaire et si précieuse.*'

A. W. WARD.

Frederick the Great and Kaiser Joseph. By H. TEMPERLEY. (London: Duckworth & Co., 1915.)

MR. TEMPERLEY'S study will be welcomed by eighteenth-century students for precisely the reasons that induced him to write it. 'The potato-war',

the problem of Bavaria, the peace of Teschen, have indeed been explored and made the subject of monographs by continental scholars—French, Russian, German, and Austrian. The diplomacy of that dynastic tangle and ambition has been examined with the microscope of the continental archivist, and the military operations, which furnish so remarkable a contrast to the first and second Silesian wars and the seven years' war, have been analysed and made the subject of fierce military discussion; but so far the episode has not been told from the point of view of the English sources in our Record Office. Mr. Temperley now retells the story, using these sources, and thereby completes the documentary evidence. His monograph is therefore valuable because it contains material not to be found elsewhere. Mr. Temperley has rightly made his monograph not merely an elaborate note to the documentary sources, but a study of the whole business from beginning to end, with an excellent sketch of eighteenth-century Bavaria and portrait sketches of the two protagonists—the impetuous emperor at Vienna, whose picture Frederick kept in his cabinet in case (which was not likely) he should be tempted to forget him, and the experienced king at Berlin, *toujours en velette*. And a very readable story Mr. Temperley has made out of his materials, even if we must add that the English sources do not yield any really new or upsetting information. That is the worst of unexplored niches in the explored labyrinth of archives. They seldom do more than confirm what is already known, or tilt the balance a little more in favour of one or other of two opposed hypotheses or interpretations. Naturally Mr. Temperley makes the most of his material; but, unfortunately, only those who have not wrestled with the continental monographs either on this particular episode or on Frederick or Joseph II as a whole can subscribe to the verdict that the dispatches of Keith, Harris, and Elliot, as distinct from the other sources, 'place the episodes of the time in their true relation to one another', or can put them quite on the same footing as that 'which Ranke has claimed for those of Venice at an earlier date'. For no one knows better than Mr. Temperley that 'a full-length portrait' either of the Prussian king or of the emperor may perhaps be constructed out of the *Politische Correspondenz* of Frederick (when that colossal undertaking has been completed) or from the material collected by Arneth, Beer, and others; but that if we depended on the notes and impressions of the English observers to be found in our Record Office and on little else, we should remain ignorant of most that is essential. It is the difference between the dispatches of Archibald Forbes on the war of 1870 and the material in the twenty odd volumes of the German and French general staffs.

Mr. Temperley, of course, not only knows this, but by his elaborate notes and critical apparatus indirectly emphasizes it. These notes, bibliographical or critical, are not the least valuable part of the monograph and, rightly, are not allowed to clog the narrative, which goes from first to last with an infectious swing. The hypercritical at times is tempted to place a query or an exclamation point in the margin, e.g. 'a long array of state papers reveal an indictment of the *unparalleled* avarice, &c., of the age' (p. 2); 'Frederick would *begin* to drill his grenadiers' (p. 14:

Was Frederick in the habit of *beginning* to drill his troops when other sovereigns were on the march?); 'He had shattered the Austrian armies, he had driven the French beyond the Rhine' (p. 17: the king's comment on this would be interesting, say in 1761); 'he would obviously become the second power in Germany if Austria . . . was at last to be triumphant', and other sentences of a similar character.

Mr. Temperley's compressed commentary on the military problems raised by the 'plum and potato war' is particularly interesting and states the case on the whole fairly between the two schools of critics and theorists. But while due weight is given to the special conditions that governed Frederician strategy and tactics and to the effect that age necessarily produced on Frederick, is it not also the case that Frederick's strategy was governed, as has been the strategy of all the great commanders, by the military efficiency and technique of the instrument which he commanded? The difference in Frederick's tactics and strategy in 1757 and 1761 turns largely, and the king knew it, on the difference between the superb army of 1757 and that of 1761. Wellington said once that with the Peninsular army of 1813 Waterloo would have been an affair of four hours, and Napoleon in 1813 could act neither strategically nor tactically as he had done in 1805 and in 1806. And in 1778 is there not also good reason for believing that both Frederick and Joseph, but Frederick in particular, apart from age and an inferior instrument, meant throughout to 'force a decision' by diplomacy and not by arms? In some struggles diplomacy is the bluff and the sword the decider, in others the bluff is with the sword and the decision will and must be got by diplomacy. Mr. Temperley brings out very clearly the moral of 1778—the old diplomatic hand at Berlin had outplayed the old diplomatic hand (Kaunitz) and the younger head at Vienna, and the peace would register the tricks won at the table, not the victories won in the field. Frederick might sneer at Maria Theresas scruples, but he had not spent thirty-eight years of exhausting work at Berlin without discovering that in 1778 he was not pitted against Joseph alone, but against the dowager empress, the chancellor, and the emperor, whose harmony was not complete and whose methods and objects were not identical. From another point of view the real interest and importance of the Bavarian problem lies not in the light it throws on Frederick, but on the light it throws on Joseph. And despite the foreign archivists and the English records we have not by any means yet got to the bottom of Joseph II, nor have we anywhere a really convincing portrait of this astonishing ruler, nor is his place in the evolution of Austria yet authoritatively fixed. The Joseph of the ordinary text-books clearly will not do—a mere paraphrase of the shallow interpretation of Metternich, who misunderstood eighteenth-century liberalism as profoundly as he misunderstood the 'Jacobinism' of his own age. Mr. Temperley hints rather than indicates that he is not satisfied with Joseph II as commonly presented, but he does not clearly show how the Bavarian problem fits or misfits that common presentation or an interpretation sharply opposed to it. A really comprehensive study of Joseph II in English would be an invaluable contribution to historical literature.

C. GRANT ROBERTSON.

The Life of Matthew Flinders, R.N. By ERNEST SCOTT. (Sydney, 1914.)

THE centenary of the death of Matthew Flinders (1774–1814), ‘the central man’ in the exploration of the southern coast of Australia, has been marked by the publication of a bulky biography by Professor Scott of Melbourne University. Additional French documents have been placed at the author’s disposal since he dealt with the French explorers in his *Terre Napoléon*, and he is thus in a position to do full justice to both sides in several matters on which controversy has arisen. The temper of his work is admirable: it is not so much a cold, judicial impartiality as a warm and all-embracing human sympathy. In no important respect has Mr. Scott altered the opinions he expressed in 1910. In 1798 Flinders proved that Van Diemen’s Land is an island by circumnavigating it; in 1802 he explored Spenser Gulf and St. Vincent’s Gulf, and proved that neither of them divided New Holland from New South Wales or led to an inland sea; in 1803 he completed the first circumnavigation of the continent to which he strove—vainly in his own lifetime—to give the name Australia. His work was interrupted by the unseaworthy condition of his ship, the *Investigator*, and, on his way home to obtain another vessel, he was forced to put in at Mauritius, where he was detained by the Governor, General Decaen, for six and a half years. If Flinders had not taken offence at Decaen’s first suspicions of his bona fides and had accepted an invitation to dine with Madame Decaen, he would probably have achieved an amicable understanding and been allowed to depart in a few days. As it was, Decaen referred to France for instructions; Napoleon was too busy preparing to invade England to be able to attend to the matter; and, by the time when the order of release arrived, Decaen was in fear of an attack by the English, whom he was successfully deluding into a belief that his defences were much stronger than they really were. Flinders had enjoyed much liberty, and knew too much to be allowed to rejoin the enemy. As soon as hope of relief failed him, Decaen allowed Flinders to go on the first opportunity. Flinders’s ‘tactical mistake’ in refusing to dine with Decaen was terribly punished, for his health was broken, he was inadequately compensated by the Admiralty, and he died before seeing a printed copy of his *Voyage to Terra Australis*.

Besides defending Decaen as an able, honest, and really good-hearted, if irritable and stubborn, man, Mr. Scott rebuts the charge that Flinders’s charts were taken from him and plagiarized by the French. All that happened was that the French explorers, hastening to publish their charts first, gave French names to geographical features of which Flinders, and not Baudin, was the discoverer. It has been held, too, that Baudin’s scientific voyage cloaked grandiose political designs on the part of the French government. Mr. Scott finds that the evidence points to the conclusion that François Péron, the naturalist of the expedition, who acted as a spy when Baudin was hospitably entertained at Sydney, did so entirely on his own initiative. He made an elaborate and interesting report on the condition of the colony, which is reproduced by Mr. Scott: it winds up by recommending that ‘it should be destroyed as soon as possible’. This report and the account given of the mysterious disappearance of Flinders’s associate in

his early explorations, Surgeon George Bass, throw an interesting light on the relations of Port Jackson with the Pacific Islands and with the rebellious Spanish colonies in South America. A number of Flinders's maps and charts are given, as well as some of the sketches made by his draughtsman, William Westall (later A.R.A.). The author has had excellent material to work on, and he has made good use of it, although he has not followed Flinders's example in eschewing 'rhetoric' and 'vivid adjectives'. His brief account of the cause of the outbreak of war in 1793, based on Alison, is inadequate and misleading.

JAMES MUNRO.

The Place-names of England and Wales. By the Rev. JAMES B. JOHNSTON. (London: Murray, 1915.)

The Place-names of Derbyshire. By BERNARD WALKER. (Reprinted from the *Derbyshire Archaeological and Natural History Society's Journal*, 1914-15.)

MR. JOHNSTON is entitled to the credit of having produced the first comprehensive etymological dictionary of English and Welsh place-names. The fact that he has had the courage to undertake such a work is strong presumptive evidence that he has not sufficient philological knowledge to appreciate its difficulties; but it is somewhat surprising to find that he has not mastered the accidence of nouns and adjectives in Old English, Old Norse, and Welsh. He thinks that Radnor is 'O.E. *raden ora*, edge of the road or ride', and that Halvergate is 'O.N. *halfr gat*, half-gate'. Mistakes of this kind cannot be due to mere inadvertence; and, indeed, similar errors of declension or concord are implied in many of Mr. Johnston's etymologies from Old English and Scandinavian. Nor is the author any more at home with the elements of Welsh grammar. He seems to believe, or at any rate practically to assume, that the initial mutations are subject to no definite laws, and that the masculine and feminine forms of adjectives can be employed indiscriminately. Accordingly, his pages present an abundance of ungrammatical forms such as *afon gwen*, *llan Garmon*, *dwfr gwen*, and he suggests that the last part of the name Gwaun-cae-gurwen may be '*gwr gwen*, the fair man'. It is evident that Mr. Johnston has no qualification for original investigation of Welsh place-names. He complains, with some reason, that he has found little trustworthy guidance in what has been previously written on the subject. Mr. Thomas Morgan's *Handbook of the Place-names of Wales and Monmouthshire* explains correctly enough such names as are intelligible on the surface to a poorly educated Welshman, but where anything more than knowledge of the modern vernacular is required he usually goes wildly astray. Mr. Johnston is aware that Mr. Morgan is not to be relied upon, but he has often followed him where he is wrong. He does not appear to have consulted the later editions of *A Gossiping Guide to Wales*, which contain a good many etymologies that must have been furnished by some competent scholar. Where Mr. Morgan's help fails, Mr. Johnston goes confidently to work with his Welsh dictionary. He says, for instance, that Carmel, the name of three villages in Wales, 'is doubtless *caer moel*,

castle on the bare hill'. Now *caer moel* happens to be a grammatically impossible combination, and there is no doubt that the Welsh Carmels, like the many Bereas and Bethesdas, have obtained their name from the Bible. In the interpretation of river-names, Mr. Johnston makes frequent use of the alleged word *gwy*, a river. Whether *gwy* ever existed as an appellative is doubtful; but even if it existed, it certainly cannot be the origin of the endings *-wy* and *-i* in the names of Welsh rivers. Sometimes Mr. Johnston goes wrong even when any Welsh pocket dictionary would have led him right. *Bychan* and *bach* (both meaning 'little') are among the commonest words of the language; but for the second word in Morfa Bychan he has no explanation except that '*bych* means a wretched creature', and under Tafarnaubach he says that *bach* means 'a hook', and that the name is difficult to account for. Mr. Johnston discovers Welsh etymologies for some names of English places far distant from Wales. Fendrith in Durham, for instance, is said to be '*fffaen d(e)rwydd*, rock of the magician or Druid'. There is no word *fffaen* meaning a rock; probably the word meant is *faen*, the mutated form of *maen*, but in this collocation the initial *m* would not undergo mutation. Some too ingenious Cambrian has amused himself by inventing Welsh names for certain English county towns. Derby is Dwr Gwent, because pre-scientific etymologists took the name of the Derwent to be a compound of *dwr*, water, and the imaginary word *gwent*, 'open country'; and Bedford is Rhydweley, an absurd literal translation of 'bed-ford' (*rhyd*, a ford, *qwely*, a bed). Mr. Johnston quotes these figments seriously, and suggests that the second element in Rhydweley is *gweilgi*, a torrent. It would not be easy to find a river much less like a torrent than the Ouse at Bedford.

Mr. Johnston's notions of Celtic historical philology are such as no competent scholar has entertained since the middle of the last century. He apparently thinks that the British language of the first century was practically identical with modern Welsh. The Welsh name of the Severn, Hafren, he regards as the original form, which was latinized into Sabrina, in accordance with the Roman practice of 'changing the Celtic *h* into *s*'. The river-name Derwent (represented by *Derventio*, the name of two Roman stations on the Yorkshire and the Derbyshire Derwent respectively) is explained as *dwr gwen*, which is Mr. Johnston's ungrammatical Welsh for white water. After this it is hardly necessary to say that Mr. Johnston's explanations of the British names preserved by ancient Roman writers are almost uniformly wrong.

I am glad to be able to say that the portions of the book concerned with Celtic etymology are not a fair specimen of the whole. Mr. Johnston has consulted the works of Professor Skeat and Mr. Duignan, the *Crawford Charters* edited by Professor Napier and Mr. W. H. Stevenson, and some other books of sound quality. From these sources he has obtained a considerable number of correct interpretations, though he too often prefers his own uninformed conjectures. Besides, a fair proportion of the native English and Scandinavian names, when their early spelling is known, admit of being correctly explained by any one who has access to an Anglo-Saxon and an Icelandic dictionary, and lists of Old English and Old Norse personal names. Mr. Johnston has used the dictionaries,

and also that useful though dangerous book, Searle's *Onomasticon*. He does not seem to have referred to any list of Scandinavian personal names; and the curious result is that most of the names ending in *-by* are treated by him as hybrids, the first element being supposed to be an 'Anglo-Saxon' personal name. Mr. Johnston has been commendably diligent in collecting the early documentary forms of names, but many of these are miscopied or misprinted, and wrong identifications are not infrequent (*Dorobernia*, for instance, appears among the forms of Dover). It would be easy to produce a long list of errors due to the author's ignorance of Old English and Old Norse, and of English historical phonology. I will not give any examples of mistakes of this kind, as I wish to reserve space for one or two criticisms which seem to me important as showing that the investigator of place-names needs to concern himself with other inquiries than those which are purely linguistic.

Under Austerfield (of which he gives an untenable etymology) Mr. Johnston remarks that *Austurcarii* occurs in a Pipe Roll (in a Lincolnshire entry), and under Exton he refers to a form *Ext^anea* in a Pipe Roll (Kent), with which he bids us to 'compare Eastney'. He evidently supposes that these are place-names. But *austurcarius* is medieval Latin for a keeper of goshawks, and *Ext^anea* is *extranea*, the usual word for designating a woman as 'a stranger'.

The articles on the river-names Beane and Lea present an extraordinary tangle of misapprehensions. The two rivers are mentioned together in the A.S. Chronicle an. 913, and in the translation of the same passage by Henry of Huntingdon. In both places they are spoken of as meeting at Hertford, but Mr. Johnston places the Lea (Parker Chronicle *Lygea*, H. Hunt. *Luye*) in Essex, and the Beane (Parker Chronicle *Benefican*¹, H. Hunt. *Beneficia*) at Hereford. The Lea in its lower course is the boundary of Essex, so that Mr. Johnston's assignment of the river to that county is not exactly a mistake, though it is perhaps due to the mention of the East Saxons in the context of the Chronicle passage. But the placing of the Beane at Hereford is to be explained by the misreading *Herefordiam* for *Hertefordiam* in the traditional text of Henry of Huntingdon. Under Lea Mr. Johnston refers to both the Chronicle and Henry of Huntingdon, but under Beane he cites only the latter. He erroneously says that Henry mentions a second river *Luye* in Herefordshire, which he has (naturally) failed to find in the map. It may be mentioned here that the tribal name *Beningas*, from which he correctly derives the names of Bennington and Bengoe, means etymologically 'dwellers near the river Beane'. If the author had taken the precaution to consult the Ordnance map whenever the etymology of a name presented difficulties, he would have discovered the solution of many problems which he has

¹ This is in the dative, but it is not certain that the final *n* is inflexional. I would suggest that *ficcan* may be the British word represented by the Welsh *fechan*, little. The soft mutation of *b*, though ignored in early Welsh spelling, certainly is older than the time of the English Conquest. The vowel-change in the feminine of *bychan* may possibly be due to analogy and not to the direct operation of phonetic law, and if so may be comparatively late. I must leave the value of this bold conjecture to the judgement of those better versed in Welsh philology.

either given up or attempted to solve by untenable conjectures. Ambergate, for instance, is on the river Amber, and Coverham on the river Cover. On the other hand, although Mr. Johnston is aware that many of the river-names that appear on the map are spurious, he accepts unsuspectingly the fictitious Arun and Adur (as to which see this Review, vol. xxx, p. 164). With regard to the latter he has gone curiously astray. He says that Aldrington (which is in fact at the mouth of the Sussex 'Adur') was the Roman *Portus Adurni*, but transfers it to Wiltshire, where no *portus* could ever have been.

Although this book cannot be regarded as in any degree a work of scholarship, it has unquestionably cost a great deal of labour, which has often been fruitful. Mr. Johnston has discussed more than five thousand names, in most instances with citation of early forms. Probably more than half the number are interpreted quite correctly, and in many other instances the true explanation is given with some inaccuracy of statement, or accompanied by inadmissible alternatives. If the volume were cut down by the deletion of all that is unsound (even without the substitution of anything better), there would still remain a large body of valuable information never before brought together in one book. For this Mr. Johnston deserves praise; but it is a pity that he did not expend a little of his immense industry on the acquisition of the elementary philological knowledge that would have saved him from hundreds of mistakes.

Mr. Walker's *Place-names of Derbyshire* is the fourth of the series of works on place-names, founded on dissertations that have obtained a degree in the University of Liverpool. It is, I think, on the whole better than its immediate predecessor, Mr. Roberts's *Place-names of Sussex*; but most of the kinds of error to which I called attention in my review of that book could be exemplified from Mr. Walker's pages. At the end of a long article, I must confine my criticisms to a very few points out of the many that need correction.

Mr. Walker's book exhibits one curious error of principle which I do not remember having observed in any of the previous works of the series. He frequently assigns to a modern name of a place two or more distinct etymologies—not as alternative possibilities, but as explanations equally true. Thus under Allestree, he classifies his list of early forms into three phonetic 'types'. The first type he derives from the name *Eādulf*, the second from *Æthelheard*, and the third from *Æthel*, 'a shortened form of *Æthelwulf* or *Æthelheard*'. Now if there were no documentary evidence, either *Eādulfes trēo* or *Æpelheardes trēo* or *Æpeles trēo* would perhaps be a phonologically possible etymon for Allestree,¹ and if there were three villages called Allestree, it would not be surprising to find that the name had these three different origins in the three instances. But when we are asked to believe that the same village had formerly three independent names, each compounded with 'tree', and each separately capable of accounting for the modern name, the demand on our credulity is really too great. The alleged evidence for this strange

¹ For *Eādulfestrēo*, however, one would rather expect Eddlestree or Addlestree as the modern form, and for *Æpeles trēo* something like Alstree or Elstree.

conclusion is easily disposed of. Mr. Walker's 'Type I' is represented by only two forms: *Aldulfestreo* (miscopied as *Adulfestreo* by Mr. Walker, who consequently gives the personal name erroneously as *Eādwulf* instead of *Ealdwulf*) in the will of Wulfrie Spot (A. D. 1002), and *Aldulvestre* in a Burton charter of the thirteenth century. The place referred to in these documents is not *Allestree*, but *Austrey* in Warwickshire. The forms which Mr. Walker derives from *Æthel* do not necessitate this etymology, and the first five of them are positively unfavourable to it; they are all contractions of *Æpelheardes tréo*, which is the well-authenticated original form of the name. It would take too long to discuss the other instances of this particular kind of error that occur in the book. Mr. Walker admits in his preface that some of his conclusions may need to be corrected by topographical and historical knowledge, which he does not claim to possess. He says: 'The explanation of place-names can only be attempted in the first instance by the trained philologist; the historian may supplement his work afterwards.' This may be true; but it is the business of the philologist to make sure for himself of the identification of the places mentioned in early documents, and not to accept uncritically the guesses of 'historians' who are often misled by similarities of sound which philology shows to be purely accidental. Mr. Walker has not been sufficiently careful in this respect.

Like many other local etymologists, Mr. Walker shows a bias in favour of derivation from personal names when some other explanation is equally or more probable. In view of the enormous number of 'ash-burns' in England (several of which appear in Old English records as *æscburna*), it is surely perverse to assert that the first element in *Ashbourne* is not the name of the tree, but that of a person. There would be some excuse for this if any one of the two-score examples of the name which he quotes from early documents contained any trace of genitival inflexion, but this is not the case. It is philologically possible that *Foremark* (*Forneverche*) may be 'the fortification of Forni'; but intrinsically it is more likely to be 'ancient fortification' (Old Norse *á forna virki*), a Scandinavian parallel to *Aldwark*, which Mr. Walker explains correctly.

Not a few of the etymologies in the book are proved to be untenable by the very evidence on which they are supposed to be based. It is quite impossible that *Wingfield* can be *Wines feld*, 'field of Wine', when the forms *Winne-*, *Wynnefeld* are found in A. D. 1002 and 1004. A form *Winesfeud*, *-feude* is cited from A. D. 1226; this may probably enough represent the same place, but it stands absolutely alone in the long list of forms, and may be safely set aside. Unless the *Domesday Messeham* is a blunder, *Measham* cannot be interpreted as *Mæges hām*, 'the home, or enclosure, of Mæg'. There are other objections to this etymology, but they need not be considered, because *Measham* is on the river *Mease*. There is no phonetic objection to the interpretation of *Dronfield* as 'field of drones', but it is hard to believe in such a meaning, and it is more likely that the 'river Drone' of early maps¹ is really the source of the name.

¹ Not in the one-inch ordnance map. Possibly the rivulet itself may have vanished, as the region is covered by ironworks. The name, however, appears in some quite recent smaller maps.

Mr. Walker is to be commended for having endeavoured to ascertain the present local pronunciation of the names of which he treats, but he has sometimes failed to obtain this information where it would have been useful. If he had known that the vowel in Crich is pronounced as the *i* in *time*, he would hardly have hazarded the wild fancy that the name 'represents O.E. *crycc*, "crutch", which must have meant "crooked land, piece of land shaped like a crutch".' I suspect that the name is British; cf. Old Welsh *crūc*, mod. Welsh *crug*, a mound. Mr. Walker is, very reasonably, 'inclined to doubt' the pronunciation 'Holstannel' given by Sir W. St. John Hope for Whatstandwell, which he is informed is now pronounced as spelt. I was told when a child that the old pronunciation was 'Hotstannel', which is probably what Sir W. St. John Hope wrote.

Errors showing imperfect knowledge of Old English are not frequent in this book as they are in Mr. Roberts's *Place-names of Sussex*, and the few that I have observed are not very flagrant. *Se grēne hyll* (Greenhill) and *se grēne hlāw* (Grindlow) may be misprints. The Old English *heorten* is correctly enough explained in the dictionaries as 'belonging to a stag', but *sēo heorten dūn* (under Hartington) could no more be used for 'stag's hill' than could *collis cervinus* in Latin. Although Sudbury no doubt means ' (at the) south fort', the Old English for this is not (*æt þære*) *sūþan byrig*. The phrase *be sūþan byrig*, quoted as parallel, does not mean 'near the south fort', but 'on the south of the fort'.

Mr. Walker has shown enough of ability and industry to warrant the hope that he will some day do good work. His book contains some real contributions to knowledge; but it confirms my opinion that under present conditions the preparation of a work of this kind is not a task that ought to be prescribed as a graduation exercise.

HENRY BRADLEY.

Short Notices

PROFESSOR G. G. RAMSAY has followed up his translation of the *Annals* of Tacitus (cf. *ante*, xxv. 192) by a version of the *Histories* (London: Murray, 1915), which has the same merits as the volumes which preceded it. The text which it presupposes is naturally in the main that of Mr. Fisher; the renderings do not seem to diverge from the *consensus editorum* in matters affecting the historical narrative. To the readers of this Review the chief interest of the volume resides in the fact that Professor Ramsay takes a very decided stand in defence of Tacitus as a military historian against the strictures of Dr. B. W. Henderson (cf. *ante*, xxiv. 327 ff.). An appendix is devoted to a refutation of Dr. Henderson's theory of the strategy of Otho which led to the 'first battle of Bedriacum'; here Professor Ramsay follows Dr. E. G. Hardy. Enthusiasm for his author carries him so far as to write (p. 125): 'I know of no other account in any other Roman historian in which not one campaign, but a whole series of campaigns, are so brilliantly and intelligibly narrated.' He seems to have forgotten the *Commentaries* of Caesar.

H. S. J.

Dr. Charles Christopher Mierow, who in 1908 published a translation of the *Getica* of Jordanes as a degree thesis (*ante*, xxiii. 186), has now reissued this with an introduction and notes under the title of *The Gothic History of Jordanes in English version with an Introduction and a Commentary* (Princeton: University Press, 1915). A short text of Jordanes to take the place of the great volume in the *Monumenta Germaniae* for ordinary reference would have served a useful purpose, and to this a translation might well have been added; but it is hard to believe that any one ignorant of Latin wishes to read Jordanes. If, however, any such readers exist, the addition of the introduction certainly makes the book more attractive for them. The author differs in many points from Mommsen, and in most of them is able to hold his own; but the contention that the Vigilius addressed as 'novilissime et magnifice frater', to whom the *Romana* is dedicated, is the pope is hopeless. Theodoric's accession must now certainly be placed in 471, not 475 (see *ante*, xxvi. 155), and the chronological argument on p. 12 is vitiated by the error of making Justinian's twenty-fourth year begin in 551 instead of 550. As to the translation, it is enough to refer to our former notice. The blunder as to the name Senator has been corrected, and so have the misprints, and 'Mamaea' has been substituted for 'Mama'; but all the other errors which we pointed out remain, and difficult passages are still represented by ambiguous or unintelligible English. The notes, largely second-hand, are short, clear, and sound; but, as the numerous citations from

authorities are given in the original, it is not easy to see of what use they can be to those for whom the work is apparently intended. On p. 188 the identification of Maurice's brother-in-law Germanus with the son of Germanus and Matasuentha, for which there is no authority, is taken from Hodgkin. There is no index. E. W. B.

In issuing a second edition of *Alfred in the Chronicles* (Cambridge: Heffer, 1914) Mr. Edward Conybeare claims to have profited by the criticism of his reviewers and to have revised his work 'in the light of twentieth-century contributions to Alfredian biography'. In particular he acknowledges his debt to Mr. W. H. Stevenson's edition of Asser's *Life of King Alfred*, and he has, in fact, modified several statements, and altered, expanded, or added notes, in accordance with Mr. Stevenson's invaluable comments on ninth-century history. Unfortunately, however, the new edition of this handy little volume of translations from the early authorities for the life of King Alfred, with its pleasantly written 'introductory sketch', is marred by serious errors, linguistic, bibliographical, and historical, which could have been easily avoided, as many of them occurred in the first edition, and were pointed out by Mr. Stevenson in this Review in April 1901, and by Mr. Plummer in his *Life and Times of King Alfred the Great*, published in 1902. Mr. Conybeare still states that Ethelwulf 'formally established the system of ecclesiastical tithe' (p. 16), that Leo IV 'hallowed Alfred to King' some years after his own death (p. 17), and that St. Neot was 'none other than Alfred's own eldest brother, Athelstan' (p. 18). He still finds the 'standard edition' of the Anglo-Saxon Chronicle in the *Monumenta Historica Britannica* (p. 138), and says that the 'Book of Hyde', published in the Rolls Series in 1866, has 'never been printed in full' (p. 252). He identifies bookland with copyhold (p. 60), makes the 'Hundred-Court' meet 'once a quarter' (p. 72), and explains the status of the 'twelve-hind' man as determined by the number of labourers (hinds) employed by him. It is hardly necessary to say that 'hynde' here means 'hundred', and that the term 'twelfhynde' is almost universally accepted as referring to the 'wergild' of twelve hundred shillings. Still more incomprehensible is Mr. Conybeare's addition to his earlier work on p. 38, where, in discussing the site of the battle of Ethandun, he makes the assertion that 'the most recent authority, Mr. Stevenson, in his Asser, inclines to Bishop Clifford's view that it was the Somersetshire Edington, only a few miles from Athelney'; whereas Mr. Stevenson is the champion, on philological grounds, of the Wiltshire Edington as the scene of the battle. His exposure of the fallacy of Bishop Clifford's arguments in the notes to his edition of Asser involved him in a long correspondence in the *Athenaeum* (18 August 1906 to 24 October 1908) with the Rev. C. Greswell and other supporters of the Somerset site, a correspondence in which Mr. Stevenson himself stated that he had identified 'Ethandun' with the Wiltshire Edington both in his map of Anglo-Saxon Britain and in his edition of Asser. On p. 43, again, Mr. Conybeare writes that Alfred exercised authority 'in the fens of Ely, where he is said to have set up a little college of priests amid the ruins of Etheldreda's famous abbey'. The passage of the

Liber Eliensis (i. § 41) on which this statement appears to rest has nothing to do with Alfred. Mr. Conybeare's translations are easy, if somewhat affected in their archaic constructions, and in the use of such fantastic words as 'errand-writing' (*ærendgewrit*) for 'letter' and 'bodes' (*bebodu*) for 'commandments'. It is strange that he does not know of any translation of the *Proverbs of Alfred* (p. 77, note 6), as he mentions Kemble's edition of the poem, in which such a translation is to be found. There are other slips and inaccuracies in the book, but enough has been said to show that it needs a thorough revision to bring it up to the level of modern scholarship.

B. A. L.

Mr. Arthur Betts's pamphlet, *Busones; a Study and a Suggestion* (published by the author, at 50 Bedford Row), is a discussion of the etymology and primary meaning of a law-term of the thirteenth century, of which only two examples are known. The *busones comitatus* of Bracton are men of commanding influence in the county, with whom the justices in eyre are to confer in secret session on the measures to be taken for the execution of the king's commands relating to the maintenance of order. The *buzones iudiciorum* mentioned in the *Abbreviatio Placitorum* are certain knights of Gloucestershire, who in 1211-12 were ordered to be arrested on the ground that they were habitually concerned in unjust judgements. Of the many attempted explanations of this obscure word which Mr. Betts passes in review, the only one deserving attention is that it is a back-formation from the Old French *busoigne* (modern French *besogne*), appointed task, business. This is not at all convincing, but Mr. Betts's own proposal, though ingenious, is not really more satisfactory. He refers to the Old Norse *búi*, 'a neighbour', 'a neighbour acting as juror' (Vigfusson, *Icelandic Dictionary*), which he thinks would yield an appropriate sense. He sees, however, that *busones* cannot be derived from this word, and therefore proposes to derive it from the etymologically cognate *bú*, a household, an estate, the genitive of which enters into various combinations such as *bús-efni*, household goods. He suggests that *buso* may be a latinization of some lost compound of this type, with the sense 'householder, owner of an estate'. For philological reasons this is untenable, and the etymology of *busones* remains an unsolved problem.

S.

Mr. H. H. Brindley contributes to the *Proceedings of the Cambridge Antiquarian Society*, no. lxxvi (1915), a very interesting study of the rigging and gear of medieval ships illustrated by nine facsimiles of the miniatures in the *Estoire de Seint Aedward le Rei* in the Cambridge University Library (MS. Ee. iii. 59).

T.

In *Les Archives Farnésiennes de Parme* (Brussels: Kiessling, 1913) M. Léon Van der Essen fulfils the promise of a report on the documents therein relating to the history of the Netherlands which he gave in the introduction to his and M. Cauchie's *Inventaire des Archives Farnésiennes de Naples*, published in 1911. The relation of the two repositories to each other has already been explained,¹ and this second volume is a neces-

¹ *Ante*, vol. xxvii. 572.

sary complement to the first. The work has been done on no less virgin soil; for although Gachard attempted to investigate the Farnese archives at Parma, he was diverted by the categorical assertions of their curator that their contents related exclusively to the private affairs of the Farnese, and that all documents dealing with the Farnese in other capacities than as sovereigns of Parma and Piacenza were preserved at Naples. M. Van der Essen's report shows how fallacious these assertions were. The archives in the Palazzo della Pilotta contain in all 32,082 'liasses' divided between Farnese archives (1531-1731), early Bourbon archives (1749-1803), papers of the ex-Empress Marie-Louise (1818-47), and the later Bourbon archives (1848-59). M. Van der Essen is concerned only with the Farnese archives, of which there are 3,500 'liasses' compared with the 1850 'liasses' at Naples. This does not, however, indicate their relative importance for the history of the Netherlands, inasmuch as documents relating thereto are more abundant at Naples than at Parma. Nevertheless, the Parma archives supply many gaps in those of Naples, and M. Van der Essen's report does not aim at doing more than indicating sources hitherto neglected by archivists, including the editors of our own series of Venetian and other calendars of state papers. The documents are arranged in a rough chronological order, with a good many exceptions, to which M. Van der Essen calls attention. He also corrects a number of the dates assigned, but the attribution, on p. 13, of a letter from Cardinal Pole to Paul III to 1531 has escaped his notice, unless 1531 is merely a misprint for 1537, like the 1509 on p. 63 for 1579. A. F. P.

The Church of England and Episcopacy, by the Rev. A. J. Mason, D.D. (Cambridge: University Press, 1914) is a work drawn up in view of a particular situation with which in this Review we are not concerned. It is made up of a series of extracts from Anglican writers, running from the Reformation down to recent times, 'for the purpose of showing their views on the origin, the sanction, and the obligation of episcopacy.' These extracts are woven together by summaries and comments which illustrate the subject from many sides. The scrupulous fairness and candour with which the selection is made render the book a valuable work of reference for the historian. It is only in the last chapter which discusses the views of Lightfoot and Hatch that the author allows himself a more independent treatment of the subject. U.

Mrs. Nuttall, when working some years ago in the National Archives of Mexico, unexpectedly lighted upon a document relating to Francis Drake, 'one of the heroes of her girlhood'. Abandoning her former studies, she devoted herself to collecting unpublished material on Drake, and in the course of her researches visited England, France, and Spain. The result is a volume entitled *New Light on Drake; a Collection of Documents relating to his Voyage of Circumnavigation, 1577-80* (London: Hakluyt Society, 1914), containing for the most part translations of documents discovered in Spain. Although Mrs. Nuttall has here brought together some 'new light on Drake', she has not possessed sufficient

critical skill to sift the grain from the chaff. 'The contents of these numerous documents', she informs us (p. xxvi),

furnish so many new facts concerning the voyage and throw so much fresh light upon this and Drake's personality, actions, and aims, that I find it impossible to summarise them. Each one of the many subjects is either too important or interesting to be merely mentioned or dismissed with a few words.

The result is that instead of translating only the important papers and contenting herself with giving a *résumé* of the remainder, Mrs. Nuttall has published translations *in extenso* of sixty-five documents.

The classification and presentation of such a number of heterogeneous documents in readable form was a problem which I have attempted to solve by assorting them, according to subjects, into thirteen groups and adjusting the latter so that they form a consecutive history of the voyage and of the persons concerned with it (p. xxv).

The result is not a happy one. To the specialist much of the material will seem of slight value, while to the ordinary reader the book appears extremely dull. Mrs. Nuttall would have done better to follow the chronological order. Why a rigid adherence to this was considered 'not expedient' she does not state (p. xxv). 'The Spanish transcriptions', 'a remarkable set of specimens of the Spanish language as written and spoken at the time of Cervantes, by officials of high and low degree residing in Spain and in America', were to be deposited pending their publication in the British Museum, but this has not been done. Comparing Mrs. Nuttall's translations with one or two originals, the texts of which are already in print, one sees that although there has been no attempt to preserve the punctuation of the original, the translation is accurate, if somewhat free. *Cul-de-sac* (p. 162), however, is not a translation of *costal*, and 'under bare masts' (p. 168) should be 'under bare poles'. H. P. B.

The Ulster Scot, by the Rev. James Woodburn (London: Allenson, 1914), is a professedly popular book based mainly upon secondary sources. The colonization of Ulster by English and Scottish settlers was an historical event of much significance, for it not only marked the turning-point in Irish national development, but led to the ultimate defeat of the Stuarts in Ireland, and thus was an important factor in English affairs. Dr. Woodburn is chiefly interested in the religious aspects of his subject; more emphasis might have been laid upon climatic and geographical peculiarities, upon the circumstances and details of settlement, and upon the part played by Ulster in the general history of Ireland; as it is, the chief value of his work lies in his treatment of the Presbyterian movement. C. E. M.

Dr. W. C. A. Baron van Vredenburg's *Schets van eene Geschiedenis van het Utrechtsche Studentenleven* (Utrecht: Oosthoek, 1914) is the result of a movement initiated by Professor A. A. Nijland to preserve matter of historical interest relating to the students of Utrecht University. It contains a mass of detailed facts and a number of documents relating to the various associations, customs, songs, amusements, quarrels, and festivals of the students since the university was founded in 1636 to the present day. A good deal is of course of purely local interest, and the information relating to the seventeenth and eighteenth centuries is naturally

much less full than the nineteenth. The growth and decay of the students' associations is the part of most general interest. These appear to have had their origin in the custom, probably of medieval origin, of 'ontgroening' (literally ungreening, i. e. admission to the full status of an undergraduate, 'groen' being a freshman). The ceremony, which sometimes was extremely expensive and uncomfortable to the 'groen', was long looked on with dislike by the authorities, and the 'Senatus Veteranorum glirium', which had thoroughly established itself among the students at the end of the eighteenth century, was in fact dissolved by the French authorities in 1812. A 'senatus veteranorum' was, however, again established after the French retired, and with varying fortunes due to secessions of bodies of students who for various reasons were unwilling to support it, but who were generally induced after a time to rejoin, has maintained itself to the present time, when it is needless to say that the freshman's position is better protected than it was. A vivid account of an ontgroening in 1809 is given in an extract reprinted from the memoirs of the German Count von Wedel, from which it appears that though the Utrecht students of his time drank to excess, they did not practise the foolish and barbarous custom of the duel. Coming from Göttingen, he had naturally expected to find them ready to fight. The book is evidently the fruit of much patient research, and is admirably got up and well illustrated.

H. L.

In *The Old Scots Navy from 1689 to 1710* (Navy Records Society, 1914), Mr. James Grant, County Clerk of Banffshire, has collected from the Acts of the Parliaments of Scotland, from the Register of the Privy Council of Scotland, and from the records of the Admiralty and other sources, a series of documents dealing with the small Scottish navy which existed at the time of the Union. He has divided his material into six sections, to each of which he has prefixed a short introduction. The Scottish Convention, in March 1689, commissioned two hired frigates for service in the western seas. They were of some use, but in the following July they were captured by the French. One of them, the *Pelican*, was retaken by Sir Cloudesley Shovell, and thenceforth belonged to the English navy. Scottish privateers, sailing under letters of marque, also distinguished themselves, and the Scots, jealous of the interference of English ships in their waters, commissioned other vessels to form a Scottish navy. It conducted the futile siege of the Bass Rock until the Jacobite garrison surrendered in 1694. In 1696 three men-of-war were built in London for the Scottish Government, and the augmented navy defended Scottish shipping against French attacks until the conclusion of the war, after which it convoyed the Darien Expedition. When the French war again broke out, in the beginning of the reign of Queen Anne, there was more work to do for the protection of shipping. Relations between England and Scotland were strained, and the execution of Captain Green in 1705 was an unpleasant proof of the necessity of a Union of the kingdoms. Mr. Grant's authorities throw no fresh light on the mysterious case of Captain Green, the best account of which is to be found in Mr. Lang's *Historical Mysteries*. Even more important than

the fate of Captain Green was the tenderness displayed by Scottish captains towards French vessels conducting Jacobite agents to Scotland, and one of the results of the Union was the absorption of the Scottish in the British navy. Queen Anne possessed in 1707 only three Scottish men-of-war, so that no great reorganization was necessary, but there was sufficient English red-tape to make difficulties about counting service in the Scottish navy. The most distinguished Scottish officer was Captain Gordon, who subsequently refused to take the oath of allegiance to George I, joined the Russian navy, and became an Admiral and Governor of Kronstadt. For Mr. Grant's editing of his documents we have nothing but praise; they have been well selected, and he has given sufficient help. We regret that he has added a general introduction, in which he attempts, in the course of less than thirty pages, to sketch the history of the Scottish navy. The difficulties of space necessarily render his account quite inadequate, and though he tells us that it is largely derived from the Exchequer Rolls and the Treasurer's Accounts, he gives no exact references, and he makes no allusion to the important contribution to the subject made by Sir James Paul in the prefaces to vols. ii, iii, and iv of the Treasurer's Accounts. These prefaces constitute the only history of the medieval Scottish navy in existence, and even within his narrow limits, Mr. Grant might have used them to better purpose. We are sorry to find him repeating the common error (from which the Exchequer Rolls ought to have saved him) that James II introduced gunpowder into Scotland.

R. S. R.

The *Early Records of the Macarthurs of Camden*, edited by Sibella Macarthur Onslow (Sydney: Angus & Robertson, 1914), will probably interest first and most of all the economic historian, because of the light which they throw on the history of the Australian fine wool trade, with which the name of Macarthur is necessarily connected. We have not only the story of the patient building up of the flocks, but also a series of most valuable records of the first wool sales in England and of the gradual adoption of the new raw material in the English woollen industry. Much of the interest is strictly technical—the competition of the Australian with the Spanish and German merino-wool, the buyers' 'rings' at the sales, the possibility of combing merino, and the like. Of more general human appeal are the letters of Mrs. Macarthur to her friend, Miss Eliza Kingdon, describing the early days of Australian colonization in the manner of Jane Austen's heroines—how Macarthur started the first plough, how Mrs. Macarthur 'had the misfortune to lose a sweet boy of eleven months old', how in her letters she had 'forborn to mention Mr. Macarthur's name, lest it might appear in her too ostentatious'. She describes her house and garden, the governor, her neighbours, and the black fellows. She urges Miss Kingdon 'whenever she marries to look out for good sense in a husband': in return, Miss Kingdon 'once more takes up her pen to address her dear Mrs. Macarthur, the loved companion of her early days', and explains, among other things, that 'there is no such thing as a waist—stays are quite an unnecessary part of female dress (1796). . . . 'Tis quite fashionable to write on coloured

paper'. On the political side, these records contribute generously to the story of the quarrel between Macarthur and Governor Bligh, which led to the forcible deposition of Bligh and eventually to Macarthur's long exile from the colony. There are also various memoranda by Macarthur on colonial policy and settlement. The whole forms an important contribution to the sources of Australian history. J. H. C.

Professor Angelo Pernice's *Origine ed Evoluzione storica delle Nazioni Balcaniche* (Milan: Hoepli, 1915) is the first history in Italian of the Balkan states as a whole, and thoroughly deserves a place in the Villari Historical Series. Not, indeed, that the author has given a complete account of the medieval history of the Balkans, to which only a small portion of his book is devoted, while their modern history down to the treaty of Berlin is merely summarized. But the Italians now possess in these pages a fairly detailed account of south-eastern Europe from 1878 down to the departure of Prince William of Wied from Albania last September. Professor Pernice writes, of course, from the Italian point of view; nor is he altogether free from errors of fact. An Italian should have known that M. Mihaïlovich, so familiar a figure in Rome at that time, was not Servian chargé d'affaires in Vienna at the outbreak of the first Balkan war (p. 418); he is unaware that the officer whom he quotes, misspelling his name (p. 433), as an authority on the Bulgarian campaign of 1912 is considered as little more than a hearsay witness; while the dates of the Turkish conquest of Bosnia and the Herzegovina (p. 45) are incorrect. But he has seized clearly the main tendency of Balkan evolution since 1878, namely, the acquisition of 'full and complete economic and political independence' not only of Turkey, but of the great powers, as embodied in the phrase, 'the Balkan peninsula for the Balkan peoples'. He shows how, in spite of mutual jealousies and the self-interested diplomacy of the big European states, the Balkan peoples have practically gained that end. As always happens, diplomacy, which is artificial, cannot permanently retard the natural course of history by its half-measures, fictitious expedients, and temporary cures. One of the most important events which led up to this emancipation was, as Professor Pernice justly points out, Aehrenthal's evacuation of the *sanjak* of Novibazar—an act which he compares with Austria's withdrawal from the Balkans at the treaty of Belgrade in 1739. Thus the Austro-Hungarian wedge between the two Serb states was removed and their co-operation and ultimate probable union facilitated. The book contains a valuable appendix of documents regarding the two Balkan wars of 1912-13, among them the treaty of Bucharest, six maps, and a short bibliography.

W. M.

Only an American reader could do full justice to Dr. K. C. Babcock's *The Scandinavian Element in the United States*, published by the University of Illinois in September 1914. The foreign reader may perhaps chafe a little at the presence of St. Olaf and Tordenskjold among the townships of Otter Tail county, and the explanation that the Jansenists were not Swedes who regarded Eric Janson as representing the second coming

of Christ. He may, moreover, question some of the author's *obiter dicta*, doubting whether the early seventeenth-century accounts of Stockholm could with any truth describe the large features of modern Sweden (p. 12), or whether 'the common use of the term Scandinavian to describe Swedes, Norwegians, and Danes in a broad and general way is one of the products of the commingling of these three peoples on the American side of the Atlantic' (p. 15), or whether 'for the common people of Sweden and Denmark political experience practically began with the agitation for the reforms of 1866 and 1867' (p. 141). But Dr. Babcock gives the most munificent compensation by not only treating his main theme with patient industry and marked lucidity, but by throwing much light upon colonization in general and upon the history and ideals of his own country. His book might be succinctly described as an attempt to determine how far and for what reason the 2,700,000 Scandinavian Americans of to-day conform to the American ideal which 'comprises love of freedom, independence, and equality; respect for law, government, education, and social morality (including reverence for the family and the home); and lastly a willingness to share the common burden and, if need be, to make a common sacrifice for the permanent welfare of the commonwealth'. The answer is favourable, almost without reserve. The great influx of Norwegians and Swedes, with a few Danes, has since 1850 brought to Minnesota and the adjacent states a healthy, industrious, well-educated and prolific army of settlers. If few have attained to marked distinction, if 'in higher education the Scandinavians have allowed their denominational zeal to outrun their judgement', and if they are 'of all the foreign-born the most prone to insanity', they have none the less made an invaluable contribution to personal and material wealth of their new homeland, and have proved in the Civil War that they were worthy of their forefathers who fought for the great Gustavus.

W. F. R.

Mr. G. L. Clark has written a *History of Connecticut* (New York: Putnam, 1914) which starts with the prehistoric period and ends with a new Connecticut wherein 'the stern imperative in home and school has lost its downward slide, or been mellowed into the gentle subjunctive, and the note of authority is set to music'. It is unusual in these days to find a volume of more than 600 pages in which there is not a single note or reference to an original authority, and even when quotations are given in inverted commas no references are added. It is difficult to isolate the affairs of Connecticut from the general history of New England, and Mr. Clark is much more successful in giving a spirited picture of the social and economic life at various periods than in dealing with the political history. In any case he should not have passed uncorrected the statement that 'in 1669 . . . Governor Leisler wrote . . . asking for troops', and both in the text and the index we read 'Guiana' when Guinea is obviously intended. Still the book is interesting reading and contains numerous useful illustrations and maps.

H. E. E.

The Evolution of Brazil compared with that of Spanish and Anglo-Saxon America (California: Stanford University Press, 1914) is the title

given to six lectures delivered by Dr. Manoel de Oliveira Lima in 1912, and now published with an introduction and notes by Mr. P. A. Martin. Dr. de Oliveira Lima is a distinguished Brazilian diplomatist and historian, and his work is at once a vindication of the ideals and civilization of his own country, and a serious treatise on general South American history. The book is suggestive and discursive, explaining a number of curious problems—why Brazilian history has been more peaceful than that of Spanish-America, why slavery continued to be tolerated down to 1888, why the relations between Brazil and Portugal during their union were closer than those between Spain and her colonies. He attributes the relatively slow progress of Brazil to its want of political education before it secured independence, and he predicts that Latin America has by intermarriage settled her racial problems better than the Anglo-Saxons of the north. ‘When mulattoes and half-castes shall no longer exist among us’, he told his American hearers, ‘when the negro or Indian blood shall have become diluted in European blood, which in times past and not far distant—it must not be forgotten—received its contingents of Berbers, Numidians, Tartars, and other races, you will be threatened with preserving indefinitely within your confines irreducible populations of diverse colour and hostile sentiments’. These lectures will be read with interest and curiosity.

G. B. H.

In spite of unavoidable difficulties the editor of the *Statesman's Year-Book* has succeeded in bringing out the issue of that valuable work of reference for 1915 at its usual date, though it has not been possible completely to revise the statistics for foreign countries. Historical maps of the expansion of Prussia and of the successive partitions of Poland are prefixed, and a list is given of the new British cabinet as formed on 26 May. We notice that the editor has at last recognized that a new dynasty began with the accession of King Edward VII.

V.

It is not the fault of the editor of the *Transactions of the Baptist Historical Society* for 1914 (London: Baptist Union Publication Department) that the material that has come into his hand is of less general interest than in some former years. There is sound work in abundance, but only two articles contribute to general knowledge. That on ‘Theobalds and Colonel Packer’ gives interesting information about a number of Commonwealth officers, and one on ‘Kentish Missionaries to Virginia, 1714’ is really important for the beginnings of one of the largest denominations in the Southern States. The work of sending ‘messengers’ who should proselytize among the English settlers was begun by the General, or Arminian, Baptists of Kent, but the converts soon seceded to the Calvinist variety of the Baptists.

E. W. W.

The late Mr. C. F. Adams (whose death since the writing of this paper students of history in England as well as America sincerely deplore) contributed an article on ‘The British Proclamation of May 1861’ to the Massachusetts Historical Society’s *Proceedings*, December 1914—January 1915. From a study in 1913 of the Russell Papers, now in the

Public Record Office, but then in the hands of Mr. Rollo Russell, who has since died, together with the Lyons Papers, Mr. Adams arrived at the conclusion 'that a careful scrutiny of the official and private papers of the period nowhere indicates that "unfriendliness" toward the national government attributed to the British Foreign Secretary (Lord J. Russell). On the contrary, his course throughout seems to have been that of one seeking light, and sincerely anxious to do nothing to wound American susceptibilities.'

In the same number will be found a collection of unpublished Instructions and Dispatches of the British Ghent Commission, obtained from the Public Record Office (Foreign Office, America, vols. 101, 102), contributed by Mr. Ford. H. E. E.

The Ārya Samāj by Lajput Rai, with a preface by Professor Sidney Webb (London: Longmans, 1915), is valuable as being an authoritative account of the history and tenets of a reformed sect of Hinduism, founded in 1875, which specially attracted the attention of the Government of India in 1907. V. A. S.

The first volume of *Bescheiden in Italië*, edited by Dr. Orbaan, 1911, in the Dutch *Rijks Geschiedkundige Publicatiën* was noticed in these pages, vol. xxix, p. 203: now the second volume has appeared under the editorship of Dr. G. J. Hoogewerff ('s Gravenhage: Nijhoff, 1913). With indexes there are 900 pages of material illustrating the movements of Dutch artists and scholars in Italy. In the first volume the material published was mainly literary in character: here it is more in the form of records, gathered from the academy of painters at St. Luke's in Rome, from the ancient hospitals—originally founded in medieval times for the accommodation of pilgrims—St. Julian of the Flemings, the two St. Marys of the Teutons (a term which seems to have included Dutch as well as Germans), in Campo Santo and de Anima, and the hospital of the Holy Spirit. The extracts from the archives of these various institutions contain a great many names, and in plenty of cases are full of detail; and each section has an interesting introduction, giving an account of the literature of the subject and a sketch of the history. P. S. A.

In his *Studies in Carto-Bibliography British and French and in the Bibliography of Itineraries and Roadbooks* (Oxford: Clarendon Press, 1914) Sir George Fordham reissues, after revision and addition, some scattered papers which he has published during recent years. They comprise two introductory sketches of the cartography of British counties and of British and Irish itineraries, a descriptive list of maps of the Great Level of the Fens, a short account of John Cary and his works, and some other bibliographical papers. Most of the volume is highly technical; as such, it should be in the hands of all special students of English maps and of all superintendents of large libraries. The two first chapters possess more general interest, and between them form a good survey of their subject for historians and others; nowhere else that we know can so clear and correct a sketch be found of the growth of English cartography. They

might, indeed, have been with advantage somewhat expanded. More could be said of the important step taken forward when roads began to be included, and the early maps of about 1600, which actually showed roads long before it was usual to figure them, might receive due credit—for example the *Essexiae descriptio* of Wontneel (1602) and several remarkable but as yet unpublished estate maps. With respect to itineraries and roadbooks, we cannot but think that Sir George overstates the influence of Leland. We cannot conceive that his work was either composed as a roadbook or that it inspired others to write roadbooks. They take their origin from the medieval and sub-medieval pilgrimage-itineraries, which Sir George briefly mentions, and perhaps no less from the publication of the Antonine Itinerary, of which several editions appeared in and soon after 1512; to this Sir George strangely omits to allude. That the Itinerary was early studied in England is plain from the monograph of Talbot, himself a friend of Leland. The discovery of the Peutinger Table in 1508 no doubt also helped, though it was not published in print till 1591. We should have welcomed, too, some word as to the various meanings of the terms Itinerary and Roadbook at various periods. The later roadbooks were really what their name imports; they detailed the actual route to be followed by a traveller who wished to go by road direct from one place to another. The earlier books (of the pre-Ogilby period) and even a few of the later ones have plainly much less definite aims. When a sixteenth-century itinerary sketches out the 'road' along the north coast of Wales as Carnarvon-Conway-Denbigh-Flint-Chester, it is clear that he is not laying down a route to be followed. No one would go from Denbigh to Chester by way of Flint, even to-day; in the sixteenth century, when the Saltney levels were still undrained, the line would have been yet more inconceivable. The volume is excellently printed and has a good index.

W.

The public spirit of the Yale University Press has enabled the resumption of the separate publication of Miss Grace Gardner's bibliography of American history (*Writings on American History, 1912*. New Haven: Yale University Press, 1914), which, for the years 1909 to 1911, was included in the *Annual Reports* of the American Historical Association. The usefulness of this admirable series is much increased by separate publication.

H. E. E.

The Canadian Archives Department is publishing, under the competent editorship of Mr. D. W. Parker, *A Guide to the Documents in the Manuscript Room at the Public Archives of Canada*. Vol. i (Ottawa, 1914) deals with the various series belonging to both the French and the British régime, usually termed 'State Papers', and a few collections closely affiliated with them. Future volumes will deal with papers from the Privy Council; papers from the Department of the Secretary of State; papers from the Department of Indian affairs; papers from the Department of Militia and Defence, and personal papers and collections. Amongst the latter the more important are the Durham, Bagot, and Howe Papers and the Neilson and Masson collections.

H. E. E.

Mr. Walter Rye has done good service in printing and indexing, at his own expense, *A Calendar of Norwich Deeds enrolled in the Court Rolls of that City, 1307-41* (Norwich: Norfolk and Norwich Archaeological Society, 1915). This was compiled by Miss Edith Crosse and Mr. Tingey some time ago, and was lying in the castle unindexed. It continues the calendar compiled by Mr. Rye and the Rev. W. Hudson for the years 1285-1306. It is ungracious to look a gift horse in the mouth, but searchers should be warned that the indexing is not up to the best modern standard. Thus Henry atte Medewe of Dilham is indexed once under 'Atte' (omitting Medewe), and once under 'Medewe'; William atte Cruche of Semere, once under 'Atte Cross', and once under 'ad Crucem' (letter C); Thomas Knight of Mulbarton once under 'Kynyth', twice under 'Knight', once under 'Knith'. The calendar, as Mr. Rye points out, is interesting as showing the commercial development of Norwich, and would repay careful examination, especially on account of the number of testaments enrolled.

C. J.

The Heart of East Anglia: the Story of Norwich from earliest to latest times, by Ian C. Hannah (London: Heath, Cranston & Ouseley) is a slight production, not worthy of its pretty illustrations. It is dedicated 'in reverent memory of the Right Honourable James Stuart, . . . founder of University Extension', but the lectures on which it is based are not such as Stuart would have approved. Yet there is a great deal of information pleasantly compiled, and the book will have its local use, especially in regard to architecture, concerning which the author writes with knowledge. A writer who aims at sprightliness and gossip should not have overlooked the letters of Dean Prideaux.

E. W. W.

The new series of the *Register of the Members of St. Mary Magdalen College, Oxford*, edited by Dr. W. D. Macray, of which we reviewed the fifth volume in 1907 (xxii. 592 f.), has at length been completed. The sixth and seventh volumes (London: Frowde, 1909, 1911) dealt so largely with persons still living that they seemed hardly yet suitable for notice in our pages; but mention might have been made of the accounts of six presidents who were never fellows of the college—the first two of the line, and four intruded from without under Edward VI, during the Commonwealth, and by James II—which terminate vol. vii. The eighth and last volume (London: Milford, 1915) contains five indexes, and is supplemented by a description of the monuments in the college chapel, which is the work of Mr. R. T. Günther. Thus the register of fellows and presidents has come to fill the same number of volumes as the register of other members of the foundation which Dr. Bloxam began to publish in 1853. Dr. Macray is to be congratulated upon the completion of his long task, performed with minute knowledge, skill, and devotion. It may not be out of place to recall that it is just seventy-five years since he was appointed (on 27 July 1840) to a post in the Bodleian Library, which he only quitted in 1905. We are glad to see in vol. vii a portrait of the venerable scholar reproduced from Mr. Tuke's picture in the Library.

X.

THE ENGLISH HISTORICAL REVIEW

NO. CXX.—OCTOBER 1915 *

The Ottoman Turks and the Routes of Oriental Trade

WITHIN a period of a little more than two hundred years, from the close of the thirteenth century to the second decade of the sixteenth, the rising power of the Ottoman Turks extended the area of its political control until its holdings stretched north and south across the Levant from the Russian steppes to the Sudanese desert. The Turkish lands thus came to intercept all the great routes which in ancient and medieval times had borne the trade between East and West. Near the time when the Turkish control became complete, a new way was discovered, passing around Africa; and within a few years the larger part of the through trade between Europe and Asia had deserted the Levantine routes and begun to follow that round the Cape of Good Hope. The causes of this diversion of trade have not been fully agreed upon. No specific investigation of the subject appears to have been made. A glance through works which, being mainly concerned with other subjects, have alluded to the shifting of the routes of oriental trade about the year 1500, shows that two incompatible views are prevalent. One of these holds in general that the advance of the Ottoman power gradually blocked the ancient trade-routes and forced a series of attempts to discover new routes; after these attempts had succeeded, the Turks continued to obstruct the old routes and compelled the use of the new. The other view finds little or no connexion between the growth of the Turkish power and the causes of the great discoveries: a set of motives quite independent of the rise of the Turks led men like Henry of Portugal and Christopher Columbus to explore the unknown world; and when the new route to India had been established

it was found to possess an essential superiority for trade, which gave it pre-eminence until in the nineteenth century the balance was again turned by the introduction of steam navigation and the opening of the Suez Canal. The evidence appears to be overwhelmingly in favour of the second of these views. In the present article, however, without arguing the question directly, it is proposed to survey the course of oriental trade from the close of the great Crusades until the eighteenth century, so as to show the influence of the Ottoman Turks as it emerged historically.

The medieval trade-routes between western Europe and eastern and southern Asia fall into two groups: the northern, which passed mainly by land, and the southern, which passed mainly by sea. The former communicated with central Asia, China, and India through the Black Sea and Asia Minor, the latter through Syria and Egypt. Each group had branches which entered Asia near Aleppo and diverged in the direction of Tabriz and Bagdad. On all routes there were what in America are compendiously termed 'long hauls' and 'short hauls'; that is to say, wares which travelled most of the way, as Western silver and coral and Eastern silk and spice, and wares which travelled only part of the way, as sugar, cotton, and Arabian gums. It was possible, also, for merchants who dealt in goods of the former class to travel the whole road or to go only part of it and sell or exchange their commodities, which would be carried on by other hands. For most goods the southern routes, especially that by the Red Sea, were cheaper, because they ran mostly by sea;¹ but this consideration was less important in the case of the costlier spices, especially as they were liable to suffer damage in the holds of ships. It was not so much, however, the question of expense as political and religious conditions which determined what routes would be preferred. If merchants are hindered by one route, said Marino Sanuto the Elder, they find another, like water, and they never cease seeking a way which will bring them more profit.²

At the beginning of the fourteenth century five routes were most in use: the land road through Tana from the mouth of the Don north of the Caspian Sea to China; the way through Trebizond to Tabriz and central Asia; the two roads from Lajazzo (Ayas) at the head of the Gulf of Alexandretta, one by Tabriz, the other by Bagdad and the Persian Gulf to India and beyond; and finally the route by the Nile, Kosseir, the Red

¹ W. Heyd, *Le Colonie commerciali degli Italiani in Oriente nel Medio Evo*, Venice, 1866-8, ii. 167.

² *Liber Secretorum Fidelium Crucis* (in Bongars, *Gesta Dei per Francos*, vol. ii, Hanover, 1611), p. 23.

Sea, and the Indian Ocean to southern and eastern Asia.³ The north road was practicable as far as China for the century between 1240 and 1340, while the Mongol Empire was strong.⁴ During this time foreign merchants, missionaries, and travellers were protected, and encouraged to traverse the vast Mongol territories freely.⁵ These were still pagan in 1291, though the western divisions turned Moslem soon after that date. The routes which entered at Trebizond and Lajazzo nourished the small Christian states of Trebizond and Lesser Armenia, which served as vestibules to the Mongol lands.⁶ Between them lay Asia Minor, the land of the Turk, broken at the time into ten small emirates, hostile in the interior to Christian strangers, but dealing freely at its ports with Western traders, and beginning to develop a commercial and piratical shipping.⁷ Palestine and Egypt were under the Mameluke sultans, who permitted no foreign Christian to cross their dominions,⁸ but who, as well as their subjects, derived great profit from a large trade between West and East. Christian cities, especially Venice, Genoa, and Barcelona, traded regularly at Alexandria.

The popes never forgave the Mamelukes for expelling Western Christians from the Holy Land,⁹ and after repeated efforts they succeeded in the second quarter of the fourteenth century in reducing Christian commerce with Alexandria to small proportions. Hence the trade by the other routes increased, and the prices of comparatively bulky Eastern wares like pepper and ginger became higher in the West.¹⁰ But the Mongol empire disintegrated rapidly, first into large states, then into a multitude of small ones which threatened anarchy. In consequence, from about the year 1340 the northern through route to China ceased to be practicable and the ways through Persia became difficult.¹¹ This was the first obstruction, or rather breaking up, of the trade-routes, and in it the Ottoman Turks, who then formed a small though vigorous principality, had no part. But since all the Levantine routes were now restricted in

³ For the first three routes see Comte L. de Mas Latrie, *Privilège commercial accordé en 1320 à la république de Venise par un roi de Perse, etc.*, Bibl. de l'École des Chartes, xxxi (1870), 79-81. For the last three routes see Marino Sanuto, *loc. cit.*, pp. 3, 4, 22.

⁴ W. Heyd, *Histoire du Commerce du Levant au Moyen Âge*, translated by Furey Raynaud, Leipzig, 1885, ii. 156 ff., 215 ff. ⁵ *Ibid.*, ii. 72.

⁶ *Ibid.*, ii. 72 ff., 92 ff.; G. Finlay, *Hist. of Greece*, ed. by H. F. Tozer, Oxford, 1878, iv. 352 ff.

⁷ Heyd, *Commerce du Levant*, i. 534 ff., especially 537, 542, 545, 550.

⁸ Marino Sanuto, p. 23; Heyd, *Colonie commerciali*, ii. 224; *Commerce du Levant*, ii. 58, 71, 438.

⁹ Heyd, *Commerce du Levant*, ii. 23 ff.; J. Delaville Le Roulx, *La France en Orient au XIV^e Siècle*, Paris, 1885, pp. 13 ff.

¹⁰ Heyd, *Commerce du Levant*, ii. 188.

¹¹ *Ibid.*, ii. 44 ff., 128, 505.

one way or another, the Venetians and Genoese appealed to the pope for assistance; and a system of licences to trade with Egypt was developed, which in time restored the commerce of the southern route to its old prosperity. Subject to temporary fluctuations, spices became comparatively cheap, and the average price changed little, except for a slight fall, before 1520.¹²

In 1356 the Ottoman Turks established themselves on both sides of the Dardanelles, and, though they had little shipping, they were able to exercise some influence on the fraction of oriental trade which still passed through the Black Sea. They also gradually incorporated the other Turkish principalities in Asia Minor, and with them took over their trade agreements with Genoa and Venice and their rights to tribute from certain of the Aegean Islands.¹³ Meanwhile in 1375 the Mamelukes absorbed Lesser Armenia (the ancient Cilicia), and thus brought into their hands the outlets of the three southern routes, which they held unmolested for one hundred and forty years. But frequent internal troubles in Persia disturbed the commerce which passed through Syria, and a violent alteration of trade-routes was accomplished by Timur,¹⁴ who plundered Tana and seems to have checked the through trade from the East to the ports north of the Black Sea. He had definite commercial aims and made Samarkand a centre for caravans from China, India, Persia, and the West;¹⁵ but he accomplished no such permanent political or economic unification of his dominions as had the first Mongol emperors. At his death in 1405 Persia fell into worse anarchy than ever, and the northern routes of the oriental

¹² According to J. E. Thorold Rogers, *History of Agriculture and Prices in England*, iii. 518-43; iv. 680-91, Oxford, 1882, the average price of pepper in England by decades from 1250 to 1580 was as follows, in shillings per dozen pounds, pence being neglected: for the thirteenth century, beginning with the seventh decade, 11, 12, 10, 16; for the fourteenth century, 12, 11, 15, 15, 19, 25, 17, 18, 11, 12; for the fifteenth century, 12, 32, 16, 13, 9, 13, 14, 14, 17, 17; for the sixteenth century, 16, 16, 23, 23, 20, 32, 44, 34. The Vicomte G. d'Avenel, *Histoire économique de la Propriété, des Salaires, des Denrées, et de tous les Prix en général, 1200-1800*, 5 vols., Paris, 1894-1912, iv. 482-6, 502-6, 598, gives the following prices for pepper in France by periods of twenty-five years from 1300 to 1600, in francs per kilogram; for the fourteenth century, 5.50, 12, 8, 19; for the fifteenth century, 5, 3, 4.70, 4; for the sixteenth century, 5, 8, 7.50, 12. Both series give only approximate results, since they rest upon a comparatively small number of data more or less accidentally preserved. The variations depend not only upon circumstances in the Levant, but also upon conditions in the lands of production and the lands of consumption and along the entire intervening route. It will be seen that the average for the first two decades of the sixteenth century was a little below that for the previous two centuries. Lowest of all were the prices in the second quarter of the fifteenth century. It may be possible to discern here the influence of Jacques Cœur, in establishing a well-organized direct trade between the Levant and France.

¹³ Heyd, *Commerce du Levant*, ii. 259, 262, 269.

¹⁴ *Ibid.*, ii. 266 ff., 377.

¹⁵ *Ibid.*, ii. 505; *Narrative of the Embassy of R. G. de Clavijo to the Court of Timour*, Hakluyt Society, 1859, pp. 89, 93, 165 ff.

trade became as nearly completely blocked as they ever were.¹⁶ The Turks took no part in this process, though they suffered from it, both in Timur's time and afterwards.

Venice had by now beaten Genoa decisively, and there ensued a century of comparative stability in the oriental trade. Pearls, silk, pepper, ginger, nutmegs, mace, cinnamon, and cloves were steadily exchanged in Syria and Egypt against gold, silver, copper, lead, tin, coral, and the like.¹⁷ The Mameluke sultan and his subjects took toll of all, and Venice did most of the carrying and gained most of the profit. While the value of commodities was multiplied many times in the 'long hauls', it does not seem to be the case that Egypt and Venice took more than due advantage of the situation.¹⁸ Supply and demand have their effect even upon monopoly prices.

By about 1450, when the Turks had recovered most of their losses at the hands of Timur, trade relations were regularly conducted by caravan between Brusa, the first Ottoman capital, and Aleppo and Tabriz.¹⁹ Not a few oriental wares followed these routes, and there is some evidence that Western merchants purchased spices at Brusa.²⁰ The capture of Constantinople by Mohammed II in 1453 gave him complete control of the Straits and a commanding position towards Genoa and Venice. In the readjustment which followed, the political rights of these cities at Constantinople were somewhat curtailed, but their trading privileges were renewed with little change.²¹

The commercial policy of the Turks, now well established, was not at all one of hostility to trade. They sought indeed to exclude foreigners from their internal commerce, as well as from the conduct of through trade while crossing their lands.²² But such a desire cannot rightly be counted against them; all states

¹⁶ Heyd, *Commerce du Levant*, ii. 427; F. E. de La Primaudaie, *Histoire du Commerce de la Mer Noire*, Paris, 1848, p. 158.

¹⁷ Heyd, *Commerce du Levant*, ii. 427, 440, 500 ff. For a list of the wares exchanged in the oriental trade, see G. Berchet, *Del Commercio dei Veneti nell' Asia*, Venice, 1869, pp. 13-15.

¹⁸ Heyd, *Colonie commerciali*, ii. 272, note 1, quotes Peschel for the statement that a quintal of ginger which cost at Calicut 4 cruzados sold at Alexandria for 11 and at Venice for 16. But G. Priuli (in R. Fulin's *Diarii e Diaristi Venetiani*, Venice, 1881, p. 160) says that one ducat at Calicut mounted to from 60 to 100 ducats in Europe. The latter statement appears to be exaggerated, since in England, at the farthest extremity of Europe, pepper could fall as low as 9d. the pound (see note 12). If Priuli be correct, the value of pepper at Calicut in his time was a farthing or less per pound, or a sou per kilogram.

¹⁹ Heyd, *Commerce du Levant*, ii. 352. Bertrandon de la Brocquière (Wright's *Early Travels in Palestine*, London, 1848, pp. 283 ff.) made the journey by caravan from Aleppo to Brusa.

²⁰ Heyd, *Commerce du Levant*, ii. 349.

²¹ *Ibid.*, pp. 308 ff., 316 ff.

²² They continued the exclusive policy of the Mamelukes in regard to the trade through Egypt and the Red Sea: Sieur J. Savary, *Le Parfait Négociant*, Geneva, 1752, p. 837.

endeavour to protect the pockets of their subjects. In conquering new regions the Turks regularly renewed the old commercial treaties with foreign powers, and usually observed them faithfully.²³ It is true that with them commerce was secondary, and conquest stood first. But they wished to encourage trade for the sake of revenue.²⁴ They fought with Genoa and Venice, not because these were trading powers, but because they owned lands, cities, and exceptional rights within the area of Turkish political influence. With Florence, Ancona, and other commercial cities which had no lands in the Levant and strove for none relations were uniformly good.²⁵ The Turks even confirmed or granted privileges of trade in their ports beyond what were allowed in the West, and some of their rules as regards duties were more liberal than elsewhere.²⁶ But no doubt generous provisions were not infrequently frustrated in particular cases by grasping officials, who, by the way, were usually renegade Christians.²⁷

After his conquest of Trebizond Mohammed II came into conflict with Venice in 1464 and took some of her Levantine territory. War followed for nine years, in the course of which a new route of Eastern trade was temporarily opened.²⁸ The Venetians formed an alliance, both military and commercial, with the Turkoman Uzun Hassan, and some regions of southern Asia Minor, which had not been recovered by the Ottoman Turks since the time of Timur, furnished an opening through which spices could pass for a short time to Satalia, the present Adalia. Mohammed, however, annexed the southern regions, inflicted a severe defeat upon Uzun Hassan, and forced the Venetians to a favourable peace. Soon after this he took the Genoese possession of Kaffa in the Crimea, subjugated the Tartars of that neighbourhood, and obtained complete control of the Black Sea. The trade to the East through that sea was already practically gone. Some Genoese remained in Kaffa, and the Venetians obtained sailing and trading rights

²³ J. W. Zinkeisen, *Geschichte des Osmanischen Reiches in Europa*, Gotha, 1840-63, ii. 576, 577, and G. Berchet, *Del Commercio dei Veneti nell' Asia*, Venice, 1869, p. 18, mention the renewal of the old Mameluke treaties with Venice after the Turkish conquest of Egypt in 1517. See references to Heyd in notes 13 and 21 above.

²⁴ Zinkeisen, *loc. cit.*, in a note quotes Paruta to the effect that in 1517 Selim 'desiderava l'amicitia de' Venetiani e che nel principio del nuovo imperio procurava d'accrescere i traffichi in quella provincia per particolare utile e commodo di quei sudditi e per interesse dell' entrate publiche'.

²⁵ Heyd, *Commerce du Levant*, ii. 337, 349.

²⁶ Savary, pp. 770, 797, says that the Turks never required two payments of duties on merchandise brought to one province and transported to another, 'comme il se pratique en beaucoup d'autres états de l'Europe,' and that the penalty for false declarations of weight was not confiscation but correction.

²⁷ See my *Government of the Ottoman Empire in the Time of Suleiman the Magnificent*, pp. 39 ff.

²⁸ Heyd, *Commerce du Levant*, ii. 326 ff.

which were continued formally for sixty years.²⁹ But for about three centuries the Black Sea was used by hardly any other ships than those of the sultan's subjects. A considerable trade upon it supplied Constantinople with food and various raw materials, some of which were exported to the West.³⁰ The conquests of Mohammed II undoubtedly contributed in some degree to the obstruction of the northern routes, but their importance, both in time and extent, was secondary. What measure of reduction they accomplished in the Levant trade at the north served to increase the trade along the southern routes,³¹ and we have seen that these conquests accomplished no discernible permanent elevation of prices in the West.³²

In the war of Bayezid II with the sultan of Egypt, during the years 1485 to 1491, caused by the latter's giving asylum to the former's brother, Prince Jem, the Turkish troops were thoroughly defeated. The course of oriental trade through Syria and Egypt was not in the least molested by the Turks before the year 1516. Along the northern routes, whose outlets were in their hands, they made no effort to stop the flow of wares. In times of peace and order in Persia many caravans passed east and west, exchanging wares from the Aegean Sea even to the far interior of Asia. There continued also a regular movement north and south to Aleppo, and thence to Bagdad and Mecca and the East. If the Turks had hindered oriental trade, they had checked it but slightly. During their frequent wars commerce was more or less disturbed; but the wars usually ended in an increase of territory which furnished a wider commercial opportunity.

Through Egypt and Syria, although disputes about the succession to the Mameluke throne, occasional visitations of the plague,

²⁹ G. B. Depping, *Histoire du Commerce entre l'Europe et le Levant depuis les Croisades*, 1832, ii. 227, 228; P. H. Mischef, *La Mer Noire*, p. 17. Privileges to navigate in the Black Sea were regularly granted to Venice by the Porte in treaties before that of 1540.

³⁰ Heyd, *Commerce du Levant*, ii. 351; Savary, pp. 822, 827.

³¹ Heyd, *Colonie commerciale*, i. 479.

³² See the price averages, above, p. 580, note 12. The absence of marked influence upon prices exerted by the conquest of Constantinople by the Turks deserves special attention, since that conquest has been imagined to have closed the routes of the Levant to such an extent as to force the western Europeans to seek new routes. If this had been the case the price of spices must have shown a marked increase between 1453 and 1498, which it did not do. Nor was it the agencies engaged in the Mediterranean trade which sought the new routes, but Atlantic powers in no relation with the Turks. It is not even certain that the desire to profit from a more direct spice trade emerged in the consciousness of western Europeans before 1490 (see H. Vignaud, *Histoire critique de la Grande Entreprise de Christophe Colomb*, Paris, 1911, i. 213). The entire hypothesis seems to be a legend of recent date, developed out of the catastrophic theory which made the fall of Constantinople an event of primary importance in the history of mankind. The great discoveries had their origin in a separate chain of causes, into which the influence of the Moslems of Spain, North Africa, and the Mameluke empire entered, but not that of the Ottoman Turks.

and quarrels between natives and Europeans caused the volume of trade to fluctuate, the old flow of oriental wares was maintained unbroken down to 1502.³³ That year marks a new epoch. The galleys of Venice found very few spices at Alexandria and Beirut ; in 1504 they found none at all.³⁴ The southern trade-routes of the Levant had been emptied by the purchases of the Portuguese in India. From that year an average of twelve or more ships left Lisbon annually for the East,³⁵ and from 1507 the Portuguese sent fleets to blockade the mouths of the Red Sea and the Persian Gulf.³⁶ It was a deliberate attempt to stop permanently the passage of wares along the old southern routes of oriental trade, made not by Turks but by western Europeans, but it was not entirely successful. The Venetian galleys which continued to sail to the Levant usually found some spices to be bought. But the old certainty was gone, and prices which were low at Lisbon were high at Beirut and Alexandria.³⁷ The total quantity of spices which came by the old routes from the East to Europe was greatly reduced. Venice sent fewer ships to the Levant and deemed it imprudent to build new galleys for the Eastern trade.³⁸ This was the situation when Selim I overthrew the Mameluke sultans in 1516 and 1517. Instead of blocking the southern routes further, he adopted the policy which the Mamelukes had left him. He renewed the old treaties with Venice and the West, and took over the intention of crushing the Portuguese naval power in the Indian Ocean by a fleet sent down the Red Sea.³⁹

After 1502, then, the carrying of spices from India to the Red Sea and the Persian Gulf was interfered with by the Portuguese. Nevertheless, besides the diminished amount of spices which was taken by the Venetians and others from Aleppo and Alexandria for European consumption, goods of the same class required in Arabia, Persia, Turkey, and North Africa continued to travel by the old routes. In fact this trade appears never to have ceased.⁴⁰ The Turkish conquest of Egypt, far from creating

³³ R. Fulin, *Diarii e Diaristi Veneziani*, Venice, 1881, pp. 155 ff. (Dal Diario di Girolamo Priuli, 1494-1512); Marino Sanuto, *Diarii, 1496-1533*, Venice, 1879-1903; *passim*.

³⁴ Fulin, pp. 165, 173, 175.

³⁵ Faria E. Souza, as epitomized by J. Briggs in his *History of the Rise of the Mohammedan Power in India*, London, 1829, iv. 501 ff. Of 114 ships sent in the first ten years 55 returned; Heyd, *Colonie commerciali*, ii. 277.

³⁶ Albuquerque took Ormuz in 1507, and made an attempt on Aden in 1513. Lorenzo Almeida was killed while fighting the Mameluke fleet in 1508, and his father destroyed the Egyptian fleet in 1509. Thus began a long struggle, in which the Portuguese tried to stifle the direct trade between India and the Levant. See, for a general statement, Heyd, *Colonie commerciali*, ii. 273.

³⁷ Fulin, pp. 160, 164 ff.

³⁸ Marino Sanuto, *op. cit.*, xxiv. 22-36.

³⁹ See above, note 23.

⁴⁰ A. Vandal, in his *Voyages du Marquis de Nointel (1670-80)*, Paris, 1900, p. 12, says: 'La Mer Rouge se ferma totalement vers 1630 et l'Égypte devint une impasse.'

a revolution in the Levant trade, caused only a temporary disturbance of it, not unlike that caused previously by the death of one Mameluke sultan and the accession of another.⁴¹ The real revolution was already accomplished. The beginning of the economic decay of the Levant and of the decline of Venice and the Mediterranean trading cities dates, not from the Turkish conquest of Egypt in 1517, but, if its causes be not traced even earlier, from the doubling of the Cape of Good Hope by the Portuguese in 1498.

In 1528 Francis I opened negotiations with Suleiman, and French ships began to compete with those of Venice and Barcelona

P. Masson, *Histoire du Commerce français dans le Levant au XVII^e Siècle*, Paris, 1896, pp. i, 386 and 411, refers to the continuance of this trade (as late as 1670), but he finds no mention in the records at Marseilles of the importation of spices from Aleppo and Cairo after 1700. Nevertheless a number of pieces of evidence can be adduced to show that the Red Sea and the Persian Gulf were far from being closed, and that if Indian wares rarely passed through to Europe, this was only because it was not profitable to purchase them at Cairo and the Syrian entrepôts and ship them westward in competition with the Cape route. See, for example, Pierre Belon du Mans, *Observations*, 1555, pp. 121a, 158b; *Travels of P. Teixeira* (translated), London, 1852 (Hakluyt Society), pp. 118 ff. *et passim* (the Venetians bought at Aleppo in 1605, among other wares, cinnamon, cloves, nutmegs, and mace); J. de Thévenot (translated), *Travels into the Levant*, London, 1686, part i, pp. 152 ff., part ii, pp. 72 ff. F. Vansleb (translated), *The Present State of Egypt*, London, 1678, pp. 118-27, gives a long list of commodities exchanged between Europe and Egypt, with their prices, and mentions all the ordinary spices as purchasable by Europeans in Egypt in 1673. Hasselquist, writing on the Levant about 1749, describes the caravan trade which was bringing Indian stuffs and spices from Mecca to Egypt, North Africa, and Syria (i. 124 ff.), and the Indian trade by the Red Sea and Persian Gulf into Turkey (ii. 101, 124). Baron de Tott, in his *Mémoires*, Amsterdam, 1784-5, part iv, pp. 54 ff., found Cairo a great entrepôt between East and West: 'le choc des ballots marqués à Madras & à Marseille semble fixer un centre à l'univers.' C. T. Volney in his *Voyage en Syrie et en Égypte*, published 1783-5 (i. 189 ff., ii. 138 ff.), describes the same trade in some detail. G. A. Olivier in his *Voyage dans l'Empire Ottoman, l'Égypte, et la Perse*, Paris, an XII, iii. 327 ff., iv. 273 ff., finds the same double trade active and flourishing, and he states that after 1498 all the products of the Orient for the use of the Moslems continued to come through Bagdad and Egypt (iv. 430).

⁴¹ Heyd merely states that no gain accrued to the trade of Syria and Egypt from the Turkish conquest (*Commerce du Levant*, ii. 546). Thorold Rogers (*op. cit.*, iv. 653-7) affirms that before the Portuguese discoveries the Turks 'appear to have blocked every passage but one', and that 'their conquest of Egypt proceeded to block the only remaining road'. It has been shown that they 'blocked' no roads, that two (through Syria and Egypt) were out of their power until 1516 and 1517, and that they were actually desirous of keeping these roads open. Rogers finds confirmation of his view in the rise of the prices of oriental wares after 1520. At first sight he might seem justified. By twenty-year periods the price of a dozen pounds of pepper in England in the sixteenth century was 16, 23, 26, and 39 shillings. But the price of a quarter of wheat, by his own figures, was 6, 7½, 13, and 15 shillings for the same periods. The fact is that pepper and other oriental wares rose with the general rise of prices in the sixteenth century, almost certainly caused by the addition to the European stock of gold and silver from the Americas. The evidence of price cannot be said to indicate disturbance of the Turkish conquest of Egypt; indeed it shows singularly little from the doubling of the Cape, which might be presumed to have caused a noticeable fall in prices.

for spices at Alexandria.⁴² The 10 per cent. duty which had been exacted by the Mamelukes was presently reduced to 5, and later to 3 per cent.⁴³ While the Turks despised the Venetians, as men who would endure indignities rather than lose money, they respected the French, and these rapidly gained on the Venetians and in time surpassed them in amount of trade.⁴⁴

In the thirties of the sixteenth century Suleiman undertook two great projects which were evidently designed to open and secure the southern trade-routes.⁴⁵ He captured Bagdad and the lands at the head of the Persian Gulf, and he sent a fleet from Suez for an unsuccessful attempt to expel the Portuguese from Diu in Gujarat. Thirty years later Turkish power was extended on the east of the Red Sea to Aden, and another expedition was sent out, which likewise failed to dislodge the Portuguese from Diu. An active trade continued through Alexandria and Aleppo; for instance, about the year 1550 most of the rhubarb used in Europe came through the latter city.⁴⁶ It appears that in the last quarter of the century, when Portugal passed into the hands of Philip II of Spain, during an era of high prices, much of the prosperity of the old southern routes returned, and there was a heavy traffic in spices through the Turkish dominions.⁴⁷ But the more energetic Dutch and English found their way also round the Cape, and rapidly drew the Western traffic in spices again into that channel. They also opened commercial relations with the Levant, which rivalled their trade with the East. In the latter part of the seventeenth century they began to bring pepper and spices even round Africa to the ports of the Levant.⁴⁸ By this time the Venetian trade had fallen greatly,⁴⁹ but the French maintained a place of commercial supremacy in the eastern Mediterranean. In the eighteenth century few wares came through from East to West, though silver passed in no small quantities in the opposite direction. The coins of Spain, Germany, and Holland helped to convey to western Europe the products of Egypt, Syria, Asia Minor, and Persia; and the same coins served again to bring to Turkey and Persia the spices, silks, and precious stones of the East.⁵⁰ 'Short haul' goods continued

⁴² For light on the beginnings of French trade at this time see Marino Sanuto, lvii. 267, 436, 503; lviii. col. 86, &c.

⁴³ Depping, ii. 247.

⁴⁴ Masson, pp. xii ff.

⁴⁵ Heyd, in his *Commerce du Levant*, ii. 546, says that Suleiman purposed to centre the spice trade of the world at Constantinople.

⁴⁶ Belon du Mans, p. 158 b.

⁴⁷ Masson, p. xvi.

⁴⁸ *Ibid.*, p. 374, shows that the English took pepper and spices to Alexandretta in 1681. See also pp. 412, 505.

⁴⁹ Berchet, pp. 21, 25, explains the causes of this decline.

⁵⁰ For this drainage of the precious metals eastward see Masson, pp. xxxii, 371, 374, 487; Savary, *op. cit.*, p. 835; Vansleb, *op. cit.*, pp. 110, 127, 128; Thévenot, *op. cit.*, ii. 77, 156. Thévenot says (p. 77), 'it may be said of Persia, that it is a Kervan-

to move freely and in large quantities along most of the old routes.⁵¹

There is evidence to indicate that no one of the shorter routes, had there been no Turks nor any other nation on their lines to take toll upon wares, could have competed for the trade of southern Asia with western Europe against the Cape route. The land transit alone by the Persian Gulf route seems to have cost more than the sea freight from India to Europe.⁵² A calculation made about the year 1800 shows that a shipment from India to France by way of the Red Sea would probably make a profit of 4 per cent., whereas the same consignment if sent round the Cape would earn from 36 to 48 per cent.; if a Christian power were in possession of the Red Sea and Egypt the gain by that route would be not more than 10 per cent.⁵³ The Red Sea is so straight and narrow, and so strewn with rocks and shallows, that sailing-vessels have to wait for favourable winds and waste much time. The Indiamen were not well adapted to this sea, so that transshipment was customary at Aden, Mocha, or Jedda. There was always a transit by land, of some ninety miles at the shortest (from Suez to Cairo), then a passage by small vessel on the Nile, and another transshipment at Alexandria. On the other hand the time necessary for a voyage between India and Europe averaged not much less by the Cape route than by the Red Sea.⁵⁴ Until the invention of the steamship, which could run straight through the Red Sea without reference to the winds, and the excavation of the Suez Canal, which eliminated the land transit, the Cape route seems to have been cheaper than all others for long distance wares.⁵⁵

It appears, then, that in the first of the two views set forth at the beginning of this article, the relation of the Turks to the

serai that serves for passage to the money that goes out of Europe and Turkey to the Indies; and to the Stuffs and Spices that come from the Indies, into Turkey and Europe, whereof it makes some small profit in the passage.' See also Olivier, iv. 434, and P. Blancard, *Manuel du Commerce des Indes*, Paris, 1806, pp. 70, 106.

⁵¹ In fact, it may be said that the great discoveries displaced approximately only about one-third of the traffic along the old routes through the Levant. Except for the precious metals, the Cape route finally took practically all of the through exchanges between southern and eastern Asia and western Europe. But the 'short haul' trade between western Europe and the Moslem lands and between the Moslem lands and India nearly all passed as before. Masson says, p. ii, note 1, that about 1682 the Levant trade of England and Holland was almost equally important with their East Indian trade, while that of France was her most extensive foreign trade. For the new trade in Arabian coffee, see *ibid.*, 410; Blancard, p. 82 (the coffee that was carried round Africa was damaged on the long voyage); Olivier, iii. 326. Silks and other Persian products were brought across Turkey by caravan to Mediterranean ports; Berchet, 15; Masson, *op. cit.*, and Savary, *passim*; Olivier, v. 320.

⁵² Masson, p. 543.

⁵³ Blancard, pp. 520 ff.

⁵⁴ Blancard, pp. 525, 526, estimates 17½ months for the round trip via Suez and 20 months via the Cape.

⁵⁵ Heyd, *Commerce du Levant*, ii. 552.

change of the trade-routes has been misconceived. They were not active agents in deliberately obstructing the routes. They did not by their notorious indifference and conservatism greatly, if at all on the whole, increase the difficulties of the oriental traffic. Nor did they make the discovery of new routes imperative. On the contrary, they lost by the discovery of a new and superior route. Had there been no way around Africa the whole story of the Levant since 1500 might have been very different. In the first place, the Mameluke sultans might have found in their uninterrupted trade sufficient financial support to enable them to resist successfully the attack of the Turks in 1516. But if the Turks had conquered Egypt while the full stream of oriental trade still ran through it, they must either have been deprived far sooner than was actually the case of the control of these routes, or they would have had to accommodate themselves to the great and increasing trade through their dominions. In the latter case they might have been forced into adopting modern ways, and into adding to their wonderful capacity for territorial unification a parallel scheme of organizing their trade. The decay of the lands of the Levant (neglecting the hypothesis of climatic change) might have been arrested and reversed. But there was a Cape route, and for three centuries and a half it took the bulk of the oriental trade. Selim I and Suleiman, the greatest of Ottoman conquerors, were powerless in their efforts to bring back the lucrative flow of Eastern wares. The shifting of the trade-routes was done, not by the Turks, but in their despite and to their disadvantage. The desolation of Egypt and Syria, the decline of the Italian cities, perhaps the very decay of the Ottoman empire itself, are due, not to them, but to the great discoveries, in which, positively or negatively, they had no discernible part.

A. H. LYBYER.

Sir Gruffydd Llwyd

SIR GRUFFYDD LLWYD has long been one of the most elusive figures in medieval Welsh history.¹ The following notes are offered in the hope of throwing a little new light on his career.

The Welsh pedigrees give the hero's full name as Gruffydd ap Rhys ap Gruffydd ap Ednyfed Fychan, and he is usually described as lord of Tregarnedd in Anglesey and of Dinorwig in Carnarvon.² His name, and his connexion with Tregarnedd, are vouched for by an entry in the Close Roll of 1297.³ That, however, is not his first appearance in Chancery records. As early as May 1284, 'Griffin son of Rhys son of Griffin son of Edenevet' is described as succeeding his father in various lands in the cantred of Rhos.⁴ If, therefore, it can be proved that this Gruffydd ap Rhys ap Gruffydd ap Ednyfed Fychan, and Gruffydd Llwyd are really one and the same person, the fact of Gruffydd Llwyd's existence, at any rate, will have been established on definite evidence.

After the conquest and settlement by Edward I, Wales became one of the king's great recruiting grounds, and from 1298 onwards two names constantly appear in connexion with the raising of troops in North Wales, chiefly for the Scottish wars. These two names are 'Griffin ap Res' and 'Griffin Thloyt', or obvious variants. Thus 'Griffin ap Res' is described in 1298 as having been the leader of the Welshmen of North Wales in the recent expedition to Flanders,⁵ and he is appointed at various times

¹ Twenty years ago Professor Tout gave a cautious summary of the traditional story in a short article contributed to the *Dictionary of National Biography*. In his latest work he writes that 'Sir Gruffydd Llwyd, of Tregarnedd, the bardic hero of Welsh resistance to Edward II, is still of unproved historicity': *The Place of Edward II in English History*, p. 210.

² Dwnn, *Heraldic Visitations*, ii. 101; Pennant, *Tours in Wales* (ed. 1883), iii. 49-50. Gruffydd Llwyd thus belonged to a noble Welsh family, for Ednyfed Fychan was the 'seneschal' and chief counsellor of Llywelyn the Great: *Dict. of Nat. Biog.*, s.v. Ednyfed Fychan. Ednyfed's wife was Gwennlian, daughter of Rhys ap Gruffydd, the powerful 'Lord Rhys' of Dinefwr in Henry II's reign.

³ *Cal. of Close Rolls*, 21 August 1297, pp. 57-8: Order to John de Havering, justice of North Wales, to deliver to Griffin son of Rhys son of Griffin son of Edenevet certain lands in Tregarneth in Anglesey which Margaret, late the wife of Rhys, held in dower of the gift of Rhys, and which the justice has taken into the king's hands by reason of her death.

⁴ *Cal. of Chancery Rolls, Various* (Welsh Rolls), p. 293.

⁵ *Cal. of Patent Rolls*, 15 March 1298, p. 335. He had gone over with the king in August 1297, riding a horse worth 25 marks: Public Record Office, Exchequer Accounts, 6/37.

afterwards to levy and lead men from North Wales to Scotland.⁶ During the same period 'Griffin Thloyt' appears engaged in a similar capacity.⁷ On 5 August 1309 orders were issued to 'Roger Mortimer, justice of Wales, *Gruffydd ap Rhys*, and Iorwerth ap Gruffydd' to choose a stated number of footmen from North Wales; on 11 September these orders were cancelled, and new letters were issued ordering 'Roger Mortimer, Justice of Wales, *Gruffydd Llwyd*, and Iorwerth ap Gruffydd' to levy a smaller number of men instead.⁸ These facts establish the identity of Gruffydd ap Rhys and Gruffydd Llwyd. It is equally certain that he was a knight. The tradition that he was knighted by Edward I on bringing to Rhuddlan the news of the birth of Edward of Carnarvon is probably fictitious,⁹ but he was certainly 'Sir Griffin Thloyt, knight', when he paid homage at Flint to Prince Edward in April 1301;¹⁰ and again in 1319, for example, he is described as 'Griffin ap Rees, miles'.¹¹ Nor can there be any doubt that this Sir Gruffydd ap Rhys, otherwise Sir Gruffydd Llwyd, was Gruffydd ap Rhys ap Gruffydd ap Ednyfed Fychan. For it is known that his great-grandfather Ednyfed Fychan held Llansadwm in Carmarthenshire and Llanrhystud in Cardiganshire.¹² Both these places were in the possession of 'Gruffydd Llwyd ap Rhys' at his death in 1335, and devolved upon his son and heir Ieuan.¹³

These preliminary considerations—especially the fixing of the date of his death in 1335—raise the crucial question concerning Sir Gruffydd Llwyd. According to the traditional story, he 'lived long on friendly terms with the English, but grew disgusted with their oppressions', vainly tried to negotiate an anti-English alliance with Edward Bruce in Ireland, and finally, in 1322 or

⁶ E. g. 27 May 1306, *Cal. of Patent Rolls*, p. 435; 5 August 1309, *Rotuli Scotiae* (Record Commission), i. 67-9; 24 March 1314, *ibid.*, p. 120.

⁷ E. g. 9 April 1298, *Cal. of Patent Rolls*, p. 342; 2 June 1301, *ibid.*, p. 598; 7 June 1307, *ibid.*, p. 529; 1 July 1308, *ibid.*, p. 82; 15 June 1310, *Rotuli Scotiae*, i. 85. In the Scottish expedition of 1301, 'Dominus Griff. Thleut, miles' rode a horse worth 20 marks 'in comitiva Principis Wallie', attended by three valets: P.R.O. Exchequer Aects. 9/23. In the expedition of 1306, similarly attended, he rode a horse worth 10l. 'in familia Principis': P.R.O., Exchequer Accounts, 13/7.

⁸ *Rotuli Scotiae*, i. 67-8, 72, 73. Several similar coincidences occur elsewhere: e. g. P.R.O., Ancient Petitions 7854 and 8154, both relating to the advowson of the church of Llanrhystud, and addressed to the king, the one by 'Griffutz ap Rees', the other by 'Gruffuth Loid'.

⁹ At least he is not called *miles* in August 1297 in the inventory of horses for the expedition to Flanders: P.R.O., Exchequer Accounts, 6/37. The story that he brought the news of Edward of Carnarvon's birth goes back at least to the days of Leland, but according to Leland his reward was not knighthood, but a grant of the manor of Dinorwig: *Itinerary in Wales* (ed. L. Toulmin Smith), p. 79.

¹⁰ *Cal. of Patent Rolls*, 5 March 1344, p. 228: exemplification of a record made in 1301 by the treasurer and barons of the exchequer.

¹¹ *Rotuli Scotiae*, i. 197.

¹² *Cal. of Patent Rolls*, 4 October 1229, p. 271.

¹³ *Cal. of Inquisitiones post Mortem*, vii. 453.

thereabouts, rose in revolt, 'but was defeated by a great English army, taken prisoner, and shut up in Rhuddlan castle'.¹⁴ It is certainly true that he lived long on good terms with the English. It has been seen that for many years after 1298 he was practically the king's resident commissioner of array in North Wales; between the years 1301 and 1316 he acted at various times as sheriff in Carnarvon, Anglesey, and Merioneth;¹⁵ from 1307 to 1317 he was forester of North Wales.¹⁶ His friendliness towards the English king is plain enough: is the tradition of his revolt as well founded?

The tradition itself is of gradual growth. Humfrey Lhoyd's *History of Cambria*¹⁷ gives only a meagre six lines to Sir Gruffydd Llwyl, and does not even suggest that his movements 'about 1322' amounted to a rebellion. What he says is, in fact, simply taken from Holinshed.¹⁸ Evidently neither Lhoyd nor his editor Powel had heard of any negotiations with Edward Bruce, or of imprisonment in Rhuddlan. When, however, Wynne in 1697 reissued Lhoyd's *History* with additions, he gave a much more circumstantial account of Sir Gruffydd Llwyl,¹⁹ substituting for Powel's tag from Holinshed the story that has now become traditional, including not only the statement that Llwyl, before his rebellion, had successfully negotiated with Edward Bruce, but also the actual correspondence that was alleged to have passed between them. In his preface, Wynne declares that he made the additions 'chiefly out of the notes of that late great antiquarian, Mr. Robert Vaughan of Hengwrt'.²⁰ Those documents are now apparently lost,²¹ but by a lucky chance Vaughan's note on Sir Gruffydd Llwyl was quoted by Evan Evans in 1764 in his *Specimens of the Poetry of the Ancient Welsh Bards*.²² A comparison of the texts shows that Wynne, while substantially reproducing Vaughan's note, has made one important alteration. He

¹⁴ *Dict. of National Biography*, s.v. Griffith Llwyl.

¹⁵ He was sheriff of Carnarvon from Easter to Michaelmas 1301, from Michaelmas 1304 to Michaelmas 1305, and for the three years ending Michaelmas 1310; P.R.O., Ministers' Accounts, 1227/5, 1211/2; Pipe Roll 176, mm. 54-6; the accounts for 1301-4 are not extant. He was sheriff of Anglesey for the year ending Michaelmas 1306; Pipe Roll 176, m. 53. He was sheriff of Merioneth from Michaelmas 1314 to Michaelmas 1316; Pipe Rolls 170, m. 55, and 163, m. 30. In each case he received the usual fee of 20*l.* per annum.

¹⁶ See the chamberlain of Carnarvon's accounts for the period Michaelmas 3 Ed. II to Michaelmas 11 Ed. II, enrolled in Pipe Rolls 176, mm. 54-6, 170, m. 55, and 163, m. 30. The forester received a wage of 7½*d.* per day.

¹⁷ Edited with additions by David Powel, and published in 1584. I cite the reprint of 1811.

¹⁸ *Op. cit.*, p. 281: cf. Holinshed (ed. 1807), iii. 565.

¹⁹ William Wynne, *History of Wales*, pp. 310-13. ²⁰ Vaughan died in 1667.

²¹ Some were incorporated by Ellis in his fragmentary edition of Sir John Price's *Description of Wales*, published at Oxford in 1663: see Hearne's note prefixed to the British Museum copy.

²² Pp. 46-7. Stephens quoted it from Evans in his *Literature of the Kymry* (ed. 1849), pp. 463-4.

has interpolated the two letters. Their origin will probably never be known,²³ but Wynne must at any rate stand sponsor for them. The one further addition necessary to round off the whole story was made in due course. Vaughan, followed by Wynne, had said no more as to Gruffydd's fate than that he 'was taken prisoner'; Pennant naturally enough added 'and doubtless underwent the common fate of our gallant insurgents';²⁴ and later writers went on to the definite statement that the luckless rebel 'was taken prisoner and conveyed to Rhuddlan, where he was soon afterwards beheaded'.²⁵ It is Vaughan, however, that must be held primarily responsible for the Gruffydd Llwyd tradition. The Bruce letters and the hero's alleged execution are, after all, 'mere corroborative detail intended to give artistic verisimilitude to a bald and unconvincing narrative'.

It is therefore necessary to revert to the oldest and shortest form of the story as given by Lhoyd, whose account, we have seen, is a mere transcript from Holinshed, rather unintelligently wrenched from its context. The purport of the original is really quite clear. Holinshed is describing Edward II's victorious march along the Welsh border in the winter of 1321-2, and how various rebellious barons submitted and were consigned to custody. Then 'the Welshmen with their captain Griffin Loitis took the castles in Wales which were kept by the people of lord Mortimer the elder; they took also the castles of Mole, Chirk, and Olono,²⁶ the keepers whereof, coming to the king to Shrewsbury, submitted themselves to him, who shortly afterwards sent them to the Tower of London'. Mortimer of Chirk, justice of Wales, had for the last twelvemonth been one of the king's leading enemies, and what Holinshed means to say is that Llwyd and the Welshmen were attacking him in the king's interest—in other words, that Gruffydd, so far from being a rebel, was the leader of the royalist party among the Welsh of North Wales. Such is also the view established by the independent and unimpeachable evidence of the public records.

With the loss of his sheriffdom of Merioneth in 1316,²⁷ and of his forestership of Snowdon in the following year²⁸—official

²³ The statement in the preface implies that some of the additions were not derived from Vaughan.

²⁴ *Tours in Wales* (ed. 1883), iii. 50.

²⁵ See, for example, the article on 'Llangevni' in Lewis' *Topographical Dictionary of Wales* (ed. 1848), ii. 38-40.

²⁶ So Holinshed. One would naturally suppose the name to be a misprint for 'Clone', but it is difficult to see why Clun should be attacked, because it belonged to the earl of Arundel, who was a royal partisan. Possibly Holt, which was called 'Castrum Leonis' in the middle ages, was intended; it belonged to Lancaster in 1322, and was almost certainly attacked by Sir Gruffydd: see *Cal. of Patent Rolls*, 1321-4, p. 122.

²⁷ Pipe Roll 163, m. 31. He was succeeded by John Cam.

²⁸ Succeeded on 25 May 1317 by John atte Wode: Pipe Roll 164, m. 35.

changes which may very well have been due to some fluctuation of parties across the border—Gruffydd, for a time at least, was no longer employed in civil administration. Nevertheless, his old ties with the king, formed in the days when he had ridden on expeditions to Scotland ‘in familia Principis,’²⁹ remained unbroken and the royal confidence unimpaired. In November 1318 the king, ‘with the assent of the parliament at York,’ granted to the younger Despenser the important district of Cantref Mawr in Carmarthenshire, together with other lands in South Wales. To give effect to this grant, he dispatched into those parts his yeoman Rhys ap Gruffydd accompanied by ‘Griffin Thloyt’.³⁰ His appointment on this business, which so nearly concerned the court party, proves that he was trusted by the king. It is not surprising, therefore, to find him in 1322 leading the men of North Wales in an attack on his master’s enemy, the lord Mortimer of Chirk. Nor did he then act on his own responsibility. He was the legally accredited representative of the king. He had been appointed, early in November 1321, ‘to levy all forces, horse and foot, in North Wales to suppress any insurrection in those parts’;³¹ and on the 30th he was ordered, after suppressing any such ‘insurrection’, to come to the king with his troops.³² He was therefore only obeying orders when he took part in the attacks on the castles of Holt, Chirk, and Welshpool, and in the case of the last two strongholds he was formally appointed along with two others to receive custody of them in the king’s name.³³

His loyalty was rewarded by continued manifestations of the king’s confidence. On 16 November 1321 he was reappointed to his old office of sheriff of Merioneth,³⁴ which he kept till 1327.³⁵ He was made keeper of the forfeited castle, town, and lands of Builth,³⁶ and of the castle and land of Llandoverly.³⁷ Immediately after the short campaign of 1321–2 he once more received a commission to raise and lead troops from North Wales to the Scottish expedition.³⁸ In August 1323 he was entrusted with

²⁹ See above, p. 590, note 7. He is called ‘Griffin Thowit, the Prince’s knight,’ in June 1307: *Cal. of Patent Rolls*, 7 June 1307, p. 529.

³⁰ *Cal. of Patent Rolls*, 21 November 1318, pp. 255–6.

³¹ *Ibid.*, 15 November 1321, p. 35.

³² *Cal. of Close Rolls*, 30 November 1321, p. 507.

³³ *Cal. of Patent Rolls*, 16 January 1322, p. 49; *ibid.*, 18 January 1322, p. 48. For Holt, see *ibid.*, 27 May 1322, p. 122, which makes it very probable that Gruffydd had a hand in attacking that castle.

³⁴ Breese, *Kalendars of Gwynedd*, p. 68.

³⁵ He accounts and draws pay from Michaelmas 1321 to Michaelmas 1327: Pipe Rolls 168, m. 47; 169, m. 44; 171, m. 40; 173, m. 45.

³⁶ Mentioned as Keeper, *Cal. of Close Rolls*, 23 January 1322, p. 415; and again, *ibid.*, 20 March 1324, p. 81.

³⁷ Mentioned as Keeper, *ibid.*, 21 July 1322, p. 577.

³⁸ *Cal. of Patent Rolls*, 14 February, 1322, p. 73; *ibid.*, April 22, 1322, p. 78.

the levy of troops in North Wales to provide against possible dangers that might result from the escape of Mortimer of Wigmore from the Tower.³⁹ He received a similar charge in September 1326 when Isabella and Mortimer invaded the realm.⁴⁰ He thus clearly stood high in the king's favour. What, therefore, becomes of the traditional story of his revolt? Mr. Tout long ago expressed the opinion that Llwyd's political importance had been 'exaggerated'. It would be more true to say rather that it has been misunderstood. For the old story of a rebellion in 1322 is clearly due to a misconception. Gruffydd was no anti-English leader, as Vaughan and others after him have supposed. He himself acted simply as a royal partisan, and there is no evidence that his followers were actuated by any desire to overthrow English government in Wales. The real importance of his movements is that they assisted to no small degree in bringing about the collapse of baronial opposition to Edward II in the march. It has always been difficult to understand why the elder Mortimer and his party should have made such poor resistance to the king in 1322. The explanation is to be found largely in the fact that they had to face a simultaneous attack from the king on one flank and from Gruffydd Llwyd's Welshmen on the other, and that the success of the latter in capturing Chirk undermined the very centre of Mortimer's power.

The fall of Edward II meant the discomfiture of the party to which Gruffydd had long been closely attached, and might be expected sooner or later to react unfavourably upon his position. That did not, however, happen immediately in his case. He kept his sheriffdom of Merioneth until about Michaelmas 1327.⁴¹ Accordingly, when representatives from North Wales were summoned to the parliament of January in that year, it was to Gruffydd that the writ for Merionethshire was addressed by the justice. A great deal has been made of the summoning of Welsh members to English parliaments in 1322 and 1327. It has, however, been pointed out that, with regard to the parliament of 1322, it is not known who were elected, and whether, when elected, they actually attended at York.⁴² In the case of the second summons we have more information, and this has an interest independent of its relevance to the story of Sir Gruffydd Llwyd. Only the writ for North Wales is extant, but in view of the precedent of 1322 there can be little doubt that similar orders were sent to South Wales as well. These writs, it must be noticed, were not issued along with those

³⁹ *Cal. of Patent Rolls*, 6 August 1323, p. 335.

⁴⁰ *Ibid.*, 23 September 1326, p. 325.

⁴¹ He accounts and draws pay till Michaelmas 1327: Pipe Roll 173, m. 45. He was succeeded by Edmund Haclut: Breese, *op. cit.*, p. 68.

⁴² Tout, *op. cit.*, p. 211, note 2.

addressed to the English sheriffs on 26 October 1326,⁴³ but on 8 January 1327—the day after parliament had assembled.⁴⁴ It is clear, therefore, that the summoning of Welsh members to the parliament of 1327 was an afterthought, obviously intended to secure an exact reproduction of the assembly of 1322.

The surviving writ is addressed to Richard Damory, justice of North Wales, and is of different form from the writs addressed to the English sheriffs. The latter were merely bidden to cause representatives to come to Westminster, the assumption being, presumably, that the method of election was sufficiently well known. Damory, on the other hand, received more precise instructions: ‘Mandamus vobis quod habito avisamento cum illis hominibus de partibus predictis cum quibus melius fore videritis faciendum, sine dilatione venire faciatis,’ etc. The words apparently mean, not that there was to be an election in full *comitatus*, but that the representatives were to be chosen by Damory himself after taking counsel with those whom he saw fit to consult. The justice’s return to the writ begins, ‘Venire feci ad istud parlamentum Anglicos et Wallenses infrascriptos, videlicet’, followed by five paragraphs headed respectively *de villa Karnarvan*, *de villa Belli Marisci*, *de villa de Conewey*, *de comitatu Karnarvan*, and *de comitatu Angleseye*, each paragraph containing the names of the representatives chosen, together with their sureties. It does not seem to have been observed that the return to the Merioneth writ stands in a category by itself. It is headed, not ‘de comitatu Merioneth’, but simply *Merionnith*. The words that follow are worth attention: ‘Griffinus ap Rees, miles, vicecomes de Merionnyth, cui mandatum fuit sub gravi forisfactura quod foret ad parlamentum predictum, et quod venire faceret ibidem Eygnon Vaghan’ and four others named, ‘returnavit preceptum ei inde directum, quod erit ad parlamentum si tempus fuerit commode. Et predictus Eynon et alii aliquam manucapcionem ad veniendum invenire nolebant’. There can be no doubt as to the meaning. Damory had, in pursuance of orders, fixed upon the sheriff and five others as representatives for Merionethshire, and sent a summons to Gruffyd bidding the six to attend in parliament. The knight’s five companions declined to find sureties for their appearance—that is, in effect, refused to obey the justice’s mandate. The sheriff himself replied that he would go ‘if convenient’, and there can be little doubt that his words were really a polite refusal.⁴⁵ Gruffyd was still, therefore, a consistent partisan: he could no longer help his fallen master, but at

⁴³ Palgrave, *Parliamentary Writs*, II. ii. 350. The parliament was afterwards prorogued till 7 January 1327: *ibid.*, pp. 350–2.

⁴⁴ *Ibid.*, p. 364.

⁴⁵ Hence, whether or not the other Welsh representatives attended at Westminster, at least there were none present from Merioneth.

any rate he could and did refuse to be present in the parliament which was to witness the final triumph of the opposing faction.

In view of the foregoing facts, the story of a rebellion must be abandoned, and with it perforce the story that Gruffydd was imprisoned as a rebel. There can be no doubt, however, that he did, in the course of his life, find himself a prisoner. The fact is established in a general way by two odes contained in the *Red Book of Hergest*, and attributed to a certain Gwilym Ddu.⁴⁶ There seems no reason for doubting their authenticity, and internal evidence suggests that they are the work of one man and have reference to the same event. The text, indeed, is not altogether good, and it is difficult to get at the exact sense of many passages. But taken together, the two poems at all events make clear that Gruffydd was a captive,⁴⁷ while the first of them seems to indicate that his prison was possibly Rhuddlan castle.⁴⁸ There is also the much more important evidence, hitherto apparently unnoticed, of Gruffydd's own words contained in two petitions now in the Public Record Office.⁴⁹ In one of these he complains that he has been detained in prison at Conway for more than six months on an unknown charge, and prays that he may hear the accusation, declaring his readiness to acquit himself as the king's court shall determine. In the second petition he shows that after being wrongfully imprisoned for eighteen months, again for unknown reasons, he has been released by mainprise, and prays that he may know the charges made against him, affirming that he is prepared to clear himself 'par totes les bones veyes que la court lui voet agarder'. It is thus still possible to account for the poems of Gwilym Ddu when the hypothesis of a rebellion has been rejected.

It would seem that the two petitions refer to different imprisonments. The former of them clearly belongs to the reign of Edward I, since Sir John de Havering is mentioned as justice, an office which he ceased to hold in 1301.⁵⁰ The second, unfortunately, does not bear such a clear indication of date, but it

⁴⁶ Jesus College, Oxford, MS. cxi, fo. 306, col. 1225-7; printed (not very accurately) in the *Myvyrian Archaeology* (ed. 1870), pp. 275-7. Vaughan certainly knew of these poems, and it was probably upon them that he based the story of Llywd's imprisonment. Later writers, at any rate, always refer to them.

⁴⁷ He is called 'Gruffydd' by name, and referred to as 'the war-dragon of Llan Rhystud' (aerdreic llan rystut), 'the lion of Tregarnedd' (llew tref garned), and 'the lord of Dinorwig' (ri dinorwec).

⁴⁸ Jesus Coll. MS. cxi, fo. 306, col. 1225; *Myvyrian Archaeology*, pp. 276-7. Such is the usual interpretation, but it is not perfectly clear. It may be noted that Vaughan said nothing about imprisonment at Rhuddlan.

⁴⁹ P.R.O., Ancient Petitions 75/3732 and 319 E/388. See transcripts appended below, pp. 600-1.

⁵⁰ He began to act on 10 July 1295, and was formally appointed on 3 September 1295: Lewis, *The Mediaeval Boroughs of Snowdonia*, p. 228; *Cal. of Patent Rolls*, 3 September 1295, p. 146. He held the office until Easter 1301: Pipe Roll 146, m. 24.

contains two phrases quite inappropriate to the reign of Edward I. Gruffydd offers to prove 'que unques ne mesprit devers nostre seignur le roi qui ore est ne devers son pere devant lui', and prays to be allowed to do so 'for the sake of the service which he has rendered to the king and his father'. The king here referred to would scarcely be Edward I, because at most Gruffydd can only have been a very small child at Henry III's death. The petition must therefore have been addressed either to Edward II or Edward III. Gruffydd's position under the former sovereign furnishes a strong *prima facie* case against an eighteen months' imprisonment during that reign, and the inference that it must therefore have come in that of Edward III is supported by other evidence. In October 1327 an order was issued directing the justice of Wales, or his lieutenant, to cause 'Griffin ap Rees' and twelve others named, 'lately taken at Carnarvon and imprisoned there, to be released by mainprise or for hostages to be delivered to him for them, as shall seem best to his discretion, although the king lately ordered them to be kept safely in the said prison, so that they should not be delivered without special order'.⁵¹ The twelve companions of this 'Griffin ap Rees' seem to have been members of the native Welsh aristocracy,⁵² so that he was in all probability no other than Sir Gruffydd Llwyd. If so, it may be suggested that the petition refers to this imprisonment that began not very long before 26 October 1327,⁵³ and indeed the very order to release the prisoners by mainprise reminds one of the phrase in the petition—'et puis nostre seignur le roi lui fist deliverer par meynprise'.

Nor is it difficult, in view of the general circumstances of the time, to account for such measures being taken against a man like Sir Gruffydd Llwyd. The justice of Wales was the all-powerful Mortimer, and Llwyd was one of the most prominent of Edward II's friends in Wales. It may be suggested that the whole affair was simply a means of fastening a tight grip upon Gruffydd and others of the late king's Welsh adherents, who might conceivably exercise a troublesome influence among their compatriots.⁵⁴ That the imprisonment, in the case of Gruffydd at least, should have lasted eighteen months, in spite of the order of 26 October 1327, is not at all surprising.

⁵¹ *Cal. of Close Rolls*, 26 October 1327, p. 182.

⁵² The names of eight appear in the return of Welsh members of parliament earlier in the year, four as representatives, four as sureties: Palgrave, *Parliamentary Writs*, *loc. cit.*

⁵³ If 'Griffin ap Rees' was Sir Gruffydd, he cannot have been arrested much before, because he accounted and drew pay as sheriff till Michaelmas 1327: above, p. 594, note 41.

⁵⁴ It is perhaps not altogether without significance that they should have been arrested just about the time that Edward II was put to death at Berkeley.

The amount of bail would certainly occasion some haggling, and a phrase in Gruffydd's petition seems to suggest that the sum was fixed rather high,⁵⁵ which is exactly what might have been expected, for Mortimer, presumably, would not care how long his enemy remained within the safe walls of a Welsh castle. At any rate, whether the explanation offered be correct or not, the fact that Sir Gruffydd Llwyd was a prisoner for eighteen months remains indisputable. It is to that period that the odes of Gwilym Ddu most probably refer.

His earlier confinement in the reign of Edward I is an incident easier to establish but more difficult to explain. All his antecedents were strongly loyalist. His father and his uncle Hywel had fought for Edward against Llywelyn and David,⁵⁶ and he himself had apparently been brought up in the household of Queen Eleanor.⁵⁷ During the rebellion of 1294-5 he remained true to his allegiance, and served with the cavalry in the royal army.⁵⁸ It is therefore surprising to find him petitioning the king as a prisoner in Conway castle,⁵⁹ especially as the petition seems to belong to the year 1296. The only internal evidence of date is the reference to Sir John de Havering as justice, an office which he held from July 1295 to 1301,⁶⁰ but it is fortunately possible to supplement it from another source. In the *Annales Cestrenses*⁶¹ there is among the jottings under 1296 a sentence to this effect: 'Post Pascha captus fuit Griffinus Ecloyt a domino Iohanne de Haveryngys et ductus London.' The monk probably learned the fact when Havering and his captive passed through Chester on their way to London. Now Llwyd's petition is endorsed with the following answer: 'Ad parlementum et audiatur Iusticiarius vel mandetur ei quod

⁵⁵ '... a son greff damage de mile livres et de plus.'

⁵⁶ They seem to have submitted to Edward in 1277: *Cgl. o Patent Rolls*, 1272-81, p. 211. There is evidence that Gruffydd Llwyd's father was on no good terms with Llywelyn in 1281: P.R.O., Liber A., fo. 337: declaration by 'Res filius Griffud filius Edeneved' that he is bound on demand to pay Llywelyn 100*l.* sterling 'propter inobedientiam et contemptum que nos dicto domino Principi fecimus apud Aberffraw anno Domini MCCLXXXI die Lune post festum Sancti Michaelis'. P.R.O., Ancient Petitions 158/7854 (below, p. 601) shows that this Rhys ap Gruffydd was assigned by the king after the conquest to be 'guardian of the county of Carnarvon' and 'sworn of his counsel', while Hywel, from whom Gruffydd Llwyd inherited Llanrhystud, was slain in the course of the war 'au pount de Angleseye en la compagnie Sire Otes de Grantsoun'.

⁵⁷ This seems to be the meaning of 'por lalme la Reyne qi norri il esteit et lealment la servi' in P.R.O., Ancient Petitions 75/3732 (below, p. 600). If so, Gruffydd Llwyd's whole life was closely connected with the court, first in the queen's household, then in that of the Prince of Wales, and finally in that of King Edward II.

⁵⁸ 'Griffynus Loyt' is one of eight Welsh *equites* recorded in a *memorandum* as receiving pay at 12*d.* per day from 15 November 1294 to 1 January following: P.R.O., Exchequer Accounts, 5/18. ⁵⁹ P.R.O., Ancient Petitions 75/3732 (below, p. 600).

⁶⁰ See above, p. 596, note 50.

⁶¹ Edited by R. C. Christie (Lancashire and Cheshire Record Society, 1887), p. 118.

certificet regem de causa captivonis et detencionis sue in prisiona.' It seems likely, therefore, that the journey to London was the outcome of the petition. When exactly it took place cannot be determined from the annalist's words. If taken literally, they mean that 'Griffinus Ecloyt' was captured after Easter, so that the journey to London could not have taken place until at least six months later, that is, about the end of 1296. It is more probable, however, that the words refer to the time that the journey was made, the monk assuming that the arrest had come immediately before. In that case, Llwyd had been arrested at least six months before Easter 1296—that is, some time towards the close of 1295, soon after Havering's appointment as justice. On what charge he was imprisoned it is impossible to determine: the petition simply says 'par encusement et male volence de ses enemis'. Perhaps he was the victim of malicious enemies who hated him as an adherent of the English conqueror. The accusations, whatever they were, at any rate broke down, for he reappears again in the summer of 1297 a free man, accompanying the king to Flanders as leader of the footmen of North Wales.⁶² From that point to the death of Edward II he seems to have been a faithful and trusted servant of the crown.

Having discussed the various controversial questions raised by the evidence, it only remains to add a word on Sir Gruffydd's last years under Edward III, which were apparently the most obscure and probably the least fortunate period of his life. Reasons have already been given for the belief that he may have suffered for his loyalty to Edward II. In 1331 he was involved, along with other Welshmen, in some quarrel, ending in violence, with certain 'Englishmen dwelling in North Wales', and two justices were commissioned to look into the matter, and imprison until further orders those who should be found guilty.⁶³ The men of English race dwelling in North Wales would almost certainly be burgesses of one or other of the boroughs—perhaps Carnarvon. The outcome is unknown, but clearly the affair was not regarded as serious. It was probably a mere local dispute of the type that was common everywhere in the middle ages, particularly when, as in Wales, men of different race dwelt side by side. With that exception, Sir Gruffydd Llwyd's name is practically absent from the records of Edward III's reign. He was indeed summoned to join the king's army in Scotland in January 1335, but was afterwards pardoned for

⁶² See above, p. 589, and note 5.

⁶³ *Cal. of Patent Rolls*, 10 May 1331, p. 143. The only one of Llwyd's companions named is David ap Adda, who, it may be noticed, was one of those arrested in 1327, and was also among those chosen to attend parliament as representatives of Carnarvon county in January of that year.

non-attendance.⁶⁴ He was still alive at the end of May in that year, but six weeks later he was dead.⁶⁵

In his day he had been one of the most conspicuous of the Welshmen, who, accepting the settlement of 1284, were content to play their part by assisting in the practical application of the administrative system set up by Edward I. His long life contains much indeed that is interesting, much, doubtless, that was adventurous, but nothing that can be called heroic. He was just plain Gruffydd ap Rhys, knight, commissioner of array, sheriff, and royal partisan. He was no martyr in a national cause; on the contrary, both to the conqueror of Wales and to his son he was always 'a loyal Welshman of Snowdon'.⁶⁶

J. G. EDWARDS.

APPENDIX

I

Ancient Petitions 75/3732.

A nostre seignor le Rey et a son conseil mustre Griff. Thloyt, son leal Galeys de Snawdon, qe Sire Joh. de Haveringe li ad pris et en forte prison mis et detenu a Conewey demi an passe et plus, et il ne seet por quey ne par quel encheson, dunt il prie a nostre seignor le Rey por Deu et por lalme la Reyne qi norri il esteit et lealement la servi, qil pusse aver son respons de totes choses dunt hom le ad encuse al Rey, et de quant qe hom savera dire vers li; et il est prest dest a la ley et de sei aquiter par quantque la curt le Rey agardera, sâlve ses noeffis [?], qil ne ad chose fete ne dite por quei il deive estre pris ne enprisonne ne tiele duresce suffrir: et derichef crie merci a nostre seignor le Rey qe por lalme la Reyne, qi hom il esteit, qe pite preigne de li qil ne seit en tiele manere retenu en forte prison par encusement et male volence de ses enemis sanz respons aver.

Endorsed]

Ad parleamentum et audiatur Iusticiarius vel mandetur ei quod certificet regem de causa capcionis et detencionis sue in prisona.

II

Ancient Petitions 319 E/388.

A nostre seigneur le Roi et a son conseil moustre Griffith Thloyt son bachiler qil ad este enprisonne atort et saunz desert, et puis detenu en la prisonne nostre seigneur le Roi par un an et demy, a son gref damage de mile livres et de plus, et il ne seet la encheson pur quoi ne unques ne poeit savoir; et puis nostre seigneur le Roi lui fist deliverer par meynprise; et de ceo qil est prest a respoudre par voie de ley et de reson a touz ceaux qui saverount dir ou monstrier nule encheson devers lui par quei len lui deust fere tiele duresse, et auxi qil est prest de lui acquiter par totes bones veyes que la court lui voet agarder que unques ne mesprit

⁶⁴ *Rotuli Scotiae*, i. 311-12, 333-4.

⁶⁵ *Cal. of Patent Rolls*, 28 May 1335, p. 106; *Cal. of Inquisitiones Post Mortem*, vii. 453. The writ for the inquisition is dated 12 July.

⁶⁶ See below, Appendix i.

devers nostre seigneur le Roi qui ore est ne devers son pere devaunt lui par quei qil doust ensi estre demene, eins les ad servi en tout son temps bien et leument en guerre et en peçs ; et pur ceo prie le dit Griffith au dit nostre seigneur le Roi et a son conseil, pur Dieu et pur le service qil ad fait a son pere et a lui, que il voille de sa grace mettre tiele remedie sur les dites grevaunces et damages que reson et dreiture demandent, et que de la avant dite meynprise puis estre quites.

[*Endorsed*]

Coram ipso Rege.

Coram Rege et magno consilio.

III

Ancient Petitions 158/7854.

A nostre seignor le Rey, qi Diex gard, et a son consail mustre son bachiler Griffutz ap Rees qe come Howel ap Griffutz, chivaler, son uncle, frere a Res ap Griffutz son pere, morust el service le Roi pere a nostre seignor le Roi qi ore est au pount de Angleseye en la compagnie Sire Otes de Grantsoun en la guerre Lewel et David, et puis apres le conquest le dit Res ap Griffutz son frere, et pere al dit Griffutz, fut assigne depar le Roy de estre gardein del countee de Caernarvon et jurez de son consail, et en cel estat morust, sicome le Compte de Nichole, le dit Sire Otes et autres grands seignors qui adonq furent du consel le dit Roi sevent bien et leument ferunt temoigner ; en quex temps Thomas de Bek adonq evesq de Saint David, predecessour al evesq qi ore est, purchaca de doun le Roi par chartre¹ totes les avoesons del counte de Cardigan dount les patrons furent desheritez pur lour forfet en la dite guerre, en quele chartre leglise de Lanrustud en la dit countee est contenue entre les autres eglises, par une fause suggestion fete au dit Roy et a son consail, la quele eglise fut del avoeson et patronage le dit Howel ap Griffutz et ses ancestres du temps dont memore ne curt sanz interruption, quel dreit de la dite eglise ensemblement od la tere le dit Howel es dites parties vinct ala purpartie le dit Griff. ap Res qui ore est par partison fete entre ly et les heirs le dit Howel son uncle, selonc le usage et la ley de Gales ; ore vient levesq du dit lieu et cleime lavoeson de la dite eglise par my la dite suggestion, la quele ne fu unques forfete por ceo les patrons suzditz morurent en la pes le Roy come est suzdit, et le dit Griffutz ap Res ne forfet ne trespasa unques dever nostre seigneur le Roy ore ne dever le pere par quoi il deveroit perdre lavoeson ne son dreit del eglise suzditte ; dont le dit Griffutz prie a nostre dit seignor le Roy pur Diex et pur les almes ses auncestres si luy plest de sicome notoire chose est et aperte que ses auncestres avanditz morurent en la fourme sudite, que ly pleise fere ordener aucune voie que le dit Griffutz ne seit desheritez de son dreit sanz reson, car ceo sereit charge et peril al alme son pere dont Diex defend.²

¹ See *Cal. of Charter Rolls*, ii. 275 (10 June 1284).

² The dispute was settled in 1309, when Sir Gruffydd sold to the bishop of St. Davids his right to the advowson of the church of Llanrhytud : Bridgeman, *History of the Princes of South Wales*, p. 231.

The Italian Wars of Henry II

THE wars of Henry II had a very decisive effect upon French influence in Italy and upon the fortunes of Italy herself for more than two centuries to come ; the grand duchy of Tuscany, for instance, owed its existence to one of them. Yet until M. Lucien Romier published his two volumes on *Les Origines Politiques des Guerres de Religion*¹ there was no adequate account of the motives and diplomatic antecedents of these wars. The title of the book hardly gives a precise idea of its contents, which are really almost confined to the foreign policy of the reign, and the foreign policy as relating to Italy alone. There is to outward appearance a salient distinction between the Italian policy of Francis I and Henry II. The former aimed at conquest naked and unabashed, the latter at all events professed merely the protection of weaker powers. Just as in Scotland Henry posed as the champion of the Stuarts, and in Germany of the Protestant princes, so in Italy he undertook the defence of the Farnesi of Parma, of the Sienese republic, and of Paul IV against Charles V or Philip II, and of the Corsican rebels against Genoa. M. Romier shows how far in each case these pretensions were genuine, or how far they merely served to veil schemes of conquest. At the base of all the diplomacy is the feud of the Constable Montmorenci and the house of Guise, who in turn dominated the king's vacillating will and sluggish intellect. In proving the constant relation of this feud to Italian politics M. Romier has broken entirely fresh ground. Italian intervention is really the barometer of the success or failure of the Guises at the French court. If Montmorenci would have war at all, its sphere should be the north-eastern frontier of France, but Italy attracted all the old Angevin ambitions inherited by the house of Guise from René of Lorraine. The marriage of Duke Francis to Anna d'Este doubtless gave a strong stimulus, but it was an effect rather than a cause. Among its results was the addition of yet another group of Italian courtiers to that which had become naturalized under Francis I, and to that which was gathering round the queen.

The factions which were mainly responsible for these Italian wars, and which were in turn stimulated by them, had no small

¹ Two volumes, Paris, Librairie Perrin et Compagnie, 1911, 1913.

share in determining the outbreak of civil and religious war. Though Montmorenci found himself on the same side as his rivals when catholicism was at stake, yet his party lived on under the leadership of his nephews, the Châtillons. After his death his two elder sons, successively heirs to his office, though catholics themselves, revived the policy of opposition to the Guises, while the younger brothers joined the Huguenots. Thus M. Romier may fairly give to his subject the title *Les Origines Politiques des Guerres de Religion*, which at first sight seemed somewhat far-fetched. The importance, therefore, of this somewhat obscure chapter of history becomes so great that English readers may welcome a fuller account of his conclusions than could be contained in a short review. It is to be hoped, however, that such a summary will not deter them from recourse to the book itself, which is delightful reading owing to the writer's love for personality and his consequent skill in character-drawing, illustrated in every chapter. The volumes are anything but a dry record of diplomatic intrigue.

For a government inclined towards intervention in Italy there was an agency and an army ready to hand. Two of the author's freshest chapters deal with the cardinal protectors at Rome, and the Florentine, Neapolitan, and other exiles, whose chief centres were Lyons, Rome, and Venice, with the little state of Mirandola as a military base. The official function of the protectors was to propose candidates for benefices in consistory, but practically, as diplomatic agents, they stood above the ambassadors, and decided French policy in no small degree. The titular protector from 1548 until Henry II's death was Hippolyto d'Este, whose wealth, splendour, and family connexion gave him an influence scarcely justified by his narrow intellect and jealous punctilio. It is to his credit, however, that, in spite of his close Guisard connexion, he was usually on the side of moderation. During his absences from Rome substitutes were appointed. Thus we read of Jean de Bellay, in politics a Montmorencist, but now too old and ill for much initiative, but retaining his full senses as to the danger of an adventurous policy. He becomes in time garrulous and bibulous, and is pulled up by the pope as a bore, when he speaks in consistory. Cardinal Tournon has left a bad reputation from his part in the wars of religion, but M. Romier regards him as the cleverest and most patriotic of the diplomatists who managed French affairs in Italy. Ultramontanism attached him to the Guises, but his interests were loyally French. It would seem that the protectors, if only from the splendid ease and luxury of their position, would be inclined to diplomatic rather than to military methods. After all, in time of actual war they would lose much of their influence. A protectorate of the smaller

states against Spain would be their aim rather than conquest, as it was that of other reasonable French politicians down to d'Argenson. An exception was Cardinal Alessandro Farnese, hand in glove with Piero Strozzi and the cardinal of Lorraine, an adventurer looking only to personal interests, more closely linked to the *condottiere* than to the cardinal group. It must be confessed, too, that Tournon, though he reconciled Henry II and Julius III, had paved the way for the revolution of Siena, though he was opposed to the offensive alliance with Carafa in 1555.

The exiles, needless to say, never left the French court alone. They were weakened by their difference in aims, the Neapolitans urging an Angevin reconquest of Naples, the Tuscans the liberation of Florence from Cosimo de' Medici. The latter, at all events, were not of the starveling type. Henry II was financed by the Strozzi and the Guadagni-del-Bene banks, much as was Charles V by the Fugger and the Welser. They had, moreover, the warm support of the queen. Piero Strozzi, violent and unbalanced as he was, gave glamour to the cause by the pure-hearted patriotism which devoted thereto his whole life and huge fortune. From the very beginning of the reign the dualism between Montmorenci and the Guises in Italian politics became apparent. When Pier Luigi Farnese, lord of Parma and Piacenza, was assassinated by his nobles, and Piacenza occupied by the imperialists, the outraged father and suzerain, Paul III, appealed to Henry II. The king was sympathetic, because Pier Luigi's younger son, Orazio Farnese, was engaged to his natural daughter Diane, and had won his warm affection. The cardinal of Lorraine was sent to Rome, and negotiations went merrily forward. But his absence gave Montmorenci his opening, and he contrived to delay the war. This was not merely because he disliked Italian complications, and especially Guise influence with the Farnesi, but because his strong Gallican principles were opposed to papal reforming activity. In this Henry II, essentially conservative, heartily concurred. French cardinals were indeed sent to the council of Bologna, but they made uncomfortable demands upon the pope, and resented any innovations, even the most obviously salutary reforms. Hence the political alliance with the pope was delayed, and he in despair united Parma and Piacenza to the church, at the expense of his sons Ottavio and Orazio. Ottavio, as is well known, attempted to occupy Parma in his father's face, provoking a violent quarrel. Paul III on his death-bed, under the influence of Cardinal Alessandro Farnese, restored the city to his son, and this grant was confirmed by the cardinals during the conclave.

The delay in the conclave was caused purely by the scandalous division among the French cardinals, Montmorenci ordering his party to elect a Spaniard rather than a Guisard. Henry II at

length insisted on their combining to elect a neutral, and the result was the pontificate of Julius III, the Cardinal del Monte. The new pope was an indolent *gourmand*, neglecting his duties for his gardens and his vineyards. To the messenger inquiring, *Beatissime Pater, cras erit consistorium?* he would reply, *Cras erit vinea*. Unfortunately he combined with much humour and amiability a violent temper subject to equally rapid reaction. The war of Parma was a war of two tempers, explosive on the pope's part, obstinate on that of the French king. Not but what either side had genuine grievances. Julius, in his desire to propitiate the emperor, transferred the council from Bologna to Trent, and even proposed to grant him Parma and Piacenza as a papal fief. The king at once promised protection to Ottavio Farnese and carried his Gallican revolt to the very borderland of schism. It was reported, indeed, that Henry was only saved from this by Charles of Guise. The story runs that, when a national patriarchate was proposed, the king turned to Guise for his opinion. The cardinal, after an interlude of tears, looked fixedly at the king and said, 'Sir, I appeal to your majesty's own conscience; it is from this alone and not from that of others, that you should take counsel.' Julius III on his side was reasonably shocked at the king's alliance with the German heretics, and yet more at the appearance of a Franco-Turkish fleet in the Tuscan gulf, a real menace even to Rome itself. Thus this puny war resulting from the shock of tempers was at once spiritual and temporal. The effect of the quarrel upon French parties was peculiar. Montmorenci, in spite of his hostility to papal pretensions, was opposed to Italian adventures. The Guises could not let slip the chance of war, though, as Cardinal Charles was protector of the Jesuits, they dreaded active operations against the pope, a line strongly taken for the same or other reasons by the duke's father-in-law, Ercole II of Ferrara. All that could be done was to convert the anti-papal into an anti-imperial war. Thus the fighting spread to Piedmont and the Milanese, while Ferrante Gonzaga, governor of Milan, was involved in the operations against Parma and Mirandola, that wretched little war which Charles V in his gouty despondency declared was ruining him. Julius III soon tired of a war which was none too successful; the Guises, Montmorenci, the Estensi, and especially Cardinal Tournon all combined in promoting peace. Ottavio Farnese was left in possession of Parma; Julius for the remainder of his life threw off somewhat of his indolence and inconsistency, and devoted himself to the reconciliation of the catholic powers. The truce of Vaucelles was, indeed, in great measure his post-humous work, but this required yet another war.

The success of Henry II's first Italian adventure proved a grave

misfortune. The appetite of the king and the war party was whetted, and, as the emperor was not included in the peace, an extension of the area of conflict was natural enough. The army of exiles was clamouring for fresh employment, and the Sienese war was engineered by them and a group of French cardinals and diplomatists in a conference at Chioggia. The alternatives were an attack on Naples or a rebellion at Siena. The former was thought too dangerous in spite of the active co-operation of the Turkish fleet, and moreover the Tuscan exiles were stronger than the Neapolitan. After all, the Sienese ports would be a useful stepping-stone towards Naples. Thus Siena, which was seething with discontent under imperial mismanagement, was encouraged by the promise of French protection to expel its Spanish garrison. The Tuscan exiles cared nothing for Siena; their real objective was the overthrow of Cosimo de' Medici at Florence.

The relation of the two French parties to the Sienese protectorate was most curious. It might have been expected that the Guises would seize the opportunity for an active campaign in central Italy, while the emperor was so sorely embarrassed by the German revolt. That they showed an unusual moderation was due to the appointment of Hippolyto d'Este as the king's lieutenant in Siena by virtue of his office as Cardinal Protector. He and his house had strong ties of friendship with Cosimo de' Medici, and his policy was to keep Cosimo from intervening on the imperial side. Without this intervention there was little danger for Sienese independence. So great was Ferrarese influence with the Guises that they apparently adopted the cardinal's point of view, and for more than a year showed studious moderation. M. Romier thinks that this was the cause of the final failure; that the only chance of success was a frank recognition that Cosimo was an imperialist and an enemy, who must be attacked before he could make adequate preparations. It is possible, however, that the Guises were really anxious to preserve Cosimo's neutrality, and that their aim was to make Siena a part, not of a Tuscan, but of a Neapolitan question. The likelihood of this seems confirmed by the fresh adventure in Corsica. In August 1553 de Termes, the French commandant at Siena, a devoted Guisard, took off 4,000 men of his garrison and engaged in the conquest of Corsica from the Genoese Bank of St. George, nominally on behalf of the oppressed natives. The island was soon in French hands, an invaluable acquisition in itself, as commanding communications between Barcelona, Genoa, and Naples. M. Romier, however, doubts its wisdom at the present juncture. Siena was endangered by the weakening of its garrison; Genoa was added to the number of French enemies; the pope

saw his hopes of peace disappearing. Above all Cosimo was irritated, for he possibly had views on Corsica for himself. Thus the Tuscan question was not avoided, but brought nearer to a solution. Yet the aim of Guise's ambition was probably shifting from Tuscany to Naples; Neapolitan exiles took an eager part in this new campaign.

Montmorenci was of course opposed to the war *in toto*, to the wasting of French resources in Italy, when they might be needed on the north-eastern frontiers, and especially to the influence which the cardinal of Ferrara's appointment in Siena gave to his rivals. But for long he was dangerously ill, and Guise's domination was supreme. After his recovery he all of a sudden executed an extraordinary *volte-face*, the strangest incident in the history of the two French parties. While still speaking in council against the Siennese campaign on the ground that it was dangerous to withdraw troops from the north-east, he is found acting in concert with the queen, and actually giving the military command at Siena to his old enemy Piero Strozzi. This implied an open breach with Cosimo, for by the treaty between Florence and Siena favour to Florentine exiles was expressly forbidden. The only possible explanation is that given by a papal agent to the astonished Julius III that Montmorenci wished to prevent Francis of Guise from receiving the command, and adding fresh laurels culled in Italy to those just won at Metz.

Strozzi's appointment was to all appearance a marked success. The queen, now a personage of more importance owing to her position as regent during the king's absence in the north-east, was eager in her cousin's cause, wishing to sell part of her domain to aid him. Even Henry II caught something of her fire. The war seemed likely to finance itself without any fresh burden on the state. The Tuscan colonies in Lyons, Rome, and Venice were ablaze with enthusiasm, and their wealthy bankers and merchants opened wide their coffers. They were well aware that Piero's arrival would mean the withdrawal of Hippolyto, the end of half-measures, and a definite attack on Cosimo. But precisely for this reason the richer and more moderate Siennese regarded his appointment with dislike. They saw that the war would change its aim from the protection of Siena to the conquest of Florence, that Siena would fall to a lower plane. Nor was it likely that a foreigner, and least of all a Florentine, would find favour with the populace at large, even apart from Strozzi's violent and domineering character.

Strozzi entered Siena on 2 January 1554. He at once, as was expected, quarrelled with Hippolyto. The choice of the cardinal as the king's representative had indeed been unfortunate. His pride offended the republican Siennese; his extravagance had

wasted both French and Sieneſe resources before ſerious war began ; his conceit prevented his giving a free hand to the military commanders. Only a ruler of the greateſt tact could have preſerved harmony among the perennial factions of the maddeſt town in Italy, as Commines had dubbed Siena. The cardinal had no tact and a very narrow intellect. In ſpite of Strozzi's enmity he clung to his lucrative poſition until June. Then at length Strozzi's hands were free. He delivered his attack upon Cosimo's territory, which reſulted in the diſaſtrous rout at Marciano and the irreparable ruin of the exiles' cauſe. The ſingle defeat of Marciano entailed the ultimate fall of Siena, and the loſs of French preſtige in Italy. The Guises alone and the Cardinal Hippolyto eſcaped without diſcredit. It was the violent reversal of their attitude towards Cosimo de' Medici that had provoked diſaſter ; their influence inevitably became once more predominant. Montmorenci could only fall back on a policy of general peace, and this muſt be a work of time. Henry II bluſtered about ſending a large army to avenge Strozzi's defeat, but it is thought that this was mainly to ſatisfy the queen, who alone ſtood faithfully by Strozzi when all others deſerted him. It was ſignificant that Hippolyto d'Este was ſent to Rome with his old authority in the affairs of Tuſcany. Strozzi, in ſpite of his wound, ſhewed marvellous energy in his retreat at Montalcino, but he could pleaſe nobody. The Sieneſe ſuſpected him of wiſhing to abandon the city, and to diſintegrate the territory by holding Montalcino and the Maremma for France. His numerous enemies, and eſpecially the Cardinal Farnese, were backbiting him at court. At Rome the French cardinals were wrangling with each other. The ambaffador Lanſſac, who had the affection of the Sieneſe, and who was ſent as governor, was captured by the Florentine army *en route*. The Tuſcan exiles, as an organized body, were broken for ever ; their financial leaders had ſuffered crippling loſſes. Siena muſt have ſurrendered almoſt immediately but for the marvellous ſpirit of the Gaſcon commandant Monluc, who kept alive the patriotiſm and the hopes of the citizens, divided as they were, until the inevitable capitulation in April 1555.

In view of their diſaſtrous failure at Siena, the French had every reaſon to be ſatisfied with the truce of Vaucelles. They retained all their conqueſts in Piedmont, the Monferrat, and Corſica. Their garrisons remained in the Parmeſan fortreſſes ; their officers ſtill 'protected' Montalcino and the ſtrip of territory ſtretching acroſs the Sieneſe campagna to the ſea. They could, it might be thought, count ſecurely upon the fidelity of Eſtensi and Farnesi, if only on account of the enormous value of the French benefices held by the cardinals of theſe houſes. The new pope,

a Neapolitan Carafa, was the hereditary enemy of Spain. The truce, indeed, might have been a definitive treaty of peace but for the Savoyard question. The emperor would make no peace unless his dispossessed ally was restored. Francis I had had an uneasy conscience as to the righteousness of his conquest, but Henry II could not be induced to surrender what he regarded in a peculiar degree as his patrimony.

The weakness of the truce was that it was concluded by one half of the French government, if indeed the chronic counteraction of two jarring factions could be called a government, while the other half was framing a fresh offensive alliance. The truce was wholly due to Montmorenci, to whom the mission of the cardinal of Lorraine to Rome and the king's growing indifference to Italy had given a free hand. Meanwhile no grass was growing under the cardinal's feet at Rome. He stimulated Paul IV's hatred to Spain by promises of French intervention. Siena should be handed over to the pope to be converted into a family apanage, but the main attack should be on Naples. A parallel treaty was negotiated with Ercole d'Este on the most extravagant pecuniary terms, and at the expense of the French claims upon Cremona. Guise was hurrying home with his treaties, when just before his arrival at court he heard of the truce of Vaucelles. He was, however, the last man to accept defeat, and from the ding-dong battle between the parties which ensued he emerged the victor. He had summoned the pope's nephew, Carlo Carafa, hot-foot from Rome; he had played upon the king's sentimental piety, persuading him that Paul was the victim rather than the aggressor; he was backed by the queen, by the Italian party at court, by such influence as the exiles still possessed, for Piero Strozzi had been restored to favour. At Rome meanwhile the Pope was attacking the Colonna and exasperating the Spanish government at Naples. Cardinal Tournon made a gallant fight for peace against the ambassador d'Avanson, a creature of the Guises, who had been sent with the express object of stirring war, but finally left Rome in high disgust. The die was cast and France once more pledged to Italian adventure.

The Guise intrigue, which broke the truce of Vaucelles as soon as the ink was dry, was a political crime and richly deserved its punishment at Saint-Quentin, though it was the unlucky Montmorenci who paid the penalty with his person. But the Guises had little reason to be proud of the Italian expedition, headed though it was by the family hero, the great Duke Francis. M. Romier in this chapter for once blends policy with arms; his account of the campaign is full of fresh material, and his keen sympathy for the honest, naïve soldier, whose career was marred by his brother's venture, gives it added interest and reality.

Excellent as the small army was, the expedition proved to be one long tragedy. With the help of Brissac and his seasoned troops in Piedmont, Guise reached the Po at Piacenza without difficulty; it seems, indeed, as if he could easily have conquered the Milanese. Then, however, his troubles began. Orazio Farnese had formed the closest link between his family and the French crown, and this had been snapped by his death at Saint-Dizier in 1553. Ottavio, the ruling member, had, with many apologies to France, made his peace with the emperor. He was now effusive in his hospitality to the French troops, but only outside his well-garrisoned towns; Guise must regard him as a potential enemy in the event of a reverse. In Ferrarese territory matters were much worse. Ercole d'Este had received large subsidies from France; Guise relied on him for artillery and supplies, but nothing was forthcoming. He hurried the French troops through Modena and Reggio in a state bordering on starvation; their discipline so far was admirable, and the one humorous touch in the tragedy was Ercole's clamorous demand for compensation for a looted pig. Guise cast longing eyes towards the passes into Tuscany, but Cosimo held them strongly guarded. When the papal states were reached, Paul IV, in whose cause the campaign had nominally been undertaken, gave no aid whatever; Cardinal Carafa, who had been the soul of the papal-French conspiracy, had been treacherously intriguing with Alba. A sharp attack of influenza even contributed to delay Guise's progress. He was at length in touch with Alba's troops before Civitella, when the news arrived of the defeat at Saint-Quentin. This was, of course, the direct reason for his withdrawal, but it may be doubted if he could ever have forced his way through the Abruzzi to Naples. M. Romier perhaps underrates Alba's tactical ability. He was not a genius, but he knew his trade and what to do with the troops at his disposal. This he showed, not only at Civitella, where his elusive measures were just suited to the occasion, but before this at Mühlberg, and afterwards in his campaign against Orange, and in his skilful capture of Oporto.

As far as Italy was concerned the defeat of Saint-Quentin was conclusive. Even Guise advised Paul IV to make his peace with Spain. The relations between France and the papacy dwindled into insignificance. Ottavio Farnese would gladly have combined with Cosimo de' Medici to attack Ercole d'Este, but Cosimo repaid the consideration shown to him by the Cardinal Hippolyto in the Sieneze war, and the families were now united by the marriage of the heir Alfonso to Cosimo's daughter Lucrezia. The French still held their ground in Piedmont and Montalcino. Of the military exiles a few followed Piero Strozzi into French

service, but the majority drifted into the Spanish armies. Pico of Mirandola was the only friend left to France in Italy. Saint-Quentin had completed the results of Marciano.

Montmorenci was singularly unfortunate; he paid the penalty of the war which the Guises had provoked and he himself had opposed, by his own captivity and the ruin of his own reputation. Nor was this perhaps the worst. The capture of Calais was the king's own darling scheme, the one independent conception which can be credited to him, but the duke of Guise had all the merit of its brilliant execution. Once again he was the hero and saviour of the country, while the cardinal was all-powerful in the council. Yet Montmorenci was in the long run to win. Henry II, content with Calais, was sick of further military adventure. His thoughts now centred on the extirpation of heresy, the growth of which was in many ways stimulated by war, especially, as was thought, by the contact of French troops with Swiss and German mercenaries. Moreover, much as the king liked the Guises, his doglike affection for the Constable overmastered this lesser friendship. He felt lost without him, and this doubtless hastened, if it did not cause, the treaty of Cateau-Cambrésis. It took another forty years of Guise manipulation to undo the old soldier's peaceful handiwork.

With the treaty of Cateau-Cambrésis M. Romier's readers will find themselves on more familiar ground. There has been much difference of opinion on the merits of this treaty from the French point of view. M. Romier is wholly at variance with those who, as the late Baron de Ruble, believe that it was not disadvantageous to French interests. He shows that the absorption of Metz, Toul, and Verdun, the military keys of Lorraine, was no part of the treaty, and that the cession of Calais was not as yet formal and complete. Yet it is fair to remember that these priceless gains would have been endangered by the continuance of war. Calais did in fact fall to Spanish arms when it was resumed, and the recovery of the three bishoprics stood first on the programme of the German militant party represented by John Casimir of the Palatinate. There is, however, no question that the restoration of Savoy and Piedmont, subject to the retention of the towns and fortresses later given away by Henry III, was a serious breach in the new French frontier. Not only had Savoy and Piedmont been conquered, but by a wise administrative system they were being thoroughly assimilated. It is probable that materially they lost by the restoration of the house of Savoy. The cession of Corsica, moreover, was a blow to French naval supremacy in the Tuscan gulf, but Montmorenci was a little-navy man, and had been opposed to the enterprise.

With regard to Italy the treaty proved to be definitive. Henry II was unlucky in being brought up against two of the ablest of Italian rulers, Emmanuel Philibert of Savoy and Cosimo de' Medici. Under the former and his brilliant son Savoy became a strong buffer-state between Valois and Habsburg. The power of the Medici, greatly increased by the possession of Siena, was a bar to adventure in central Italy. Spanish supremacy was never again very seriously shaken until the Spanish claims were themselves divided. The romantic revolt of Masaniello and the momentary sovereignty of the tripper-king, the then duke of Guise, is only of real interest as a revival of the Angevin pretensions of that ambitious house.

The results of M. Romier's researches go far to prove that the distinction between the Italian policy of Francis I and Henry II, to which reference has already been made, is not so clear as the professions of Henry's government would suggest. It is, indeed, unlikely that in the war of Parma there was any definite idea of conquest, and that would probably be true also of the inception of the Sienese War. Yet when this latter changed its aim from the protection of Siena against the emperor to an attack upon Cosimo de' Medici, the idea of conquest, if not of annexation, must necessarily follow. It is highly improbable that the republican aspirations of Strozzi and the Tuscan exiles would have been realized. Success would only have added strength to the claims, often asserted, of the Medici queen and her children. Corsica was certainly intended to be a French acquisition, and M. Romier has conclusively shown that the protection of Paul IV was only a veil for the reconquest of Naples either for the crown, or for a French prince, or for the house of Guise as representative of old Angevin claims. The progressive conquest of Piedmont stands by itself. M. Romier has treated the gradual annexation of the Savoyard territories as an inheritance from the reign of Francis I, and as scarcely affecting the personal ambitions of Henry II, or the conflict of French parties. As long as this question made peace impossible between king and emperor, the advances of the French, as being the stronger, would be automatic and unaffected, except in the case of Parma, by the revulsions of policy which caused disturbance in other Italian states.

E. ARMSTRONG.

The Suspension of the Habeas Corpus Act and the Revolution of 1689

THE Long Parliament of Charles II, which virtually solved the great constitutional problem of the age by transferring the powers of sovereignty to parliament, prepared the Habeas Corpus bill, which was placed upon the statute book by the following parliament.¹ James II viewed it with especial disfavour.² During the Revolution of 1689 parliament vindicated its supremacy and for the first time suspended the Habeas Corpus Act as a measure to prevent James's return. The suspension of the Habeas Corpus Act in 1689 was the precedent for all subsequent suspensions. It is therefore of importance to consider the legal principles involved, the conditions which it was believed justified the arbitrary power which the suspension allowed, and the methods by which this power was exercised.

By the latter part of the seventeenth century it was a well established principle of common law that no one could be legally detained in prison without a warrant of commitment from a justice of the peace, the privy council, a secretary of state, or one of the houses of parliament, to the jailer authorizing him to hold the prisoner in custody until delivered by due process of law.³ Unless the warrant was issued by one of the houses of parliament, it must clearly specify the cause of the detention and be based upon information under oath and in writing.⁴ The regular and surest remedy to obtain discharge from unlawful

¹ W. C. Abbott, 'The Long Parliament of Charles II,' *ante*, xxi. 21-56, 254-85.

² Macaulay, *History of England* (ed. by C. H. Firth), ii. 663, 674. For James's view of the Habeas Corpus Act see his letter, 'For my son the Prince of Wales, 1692,' printed in part by Amos, *The English Constitution in the Reign of King Charles the Second*, p. 203.

³ For the law on commitments generally see Hale, *Pleas of the Crown*, ii, cc. 13-14; Hawkins, *Pleas of the Crown*, ii, c. 13: on examinations and commitments by the privy council, 'Proceedings against the Bishop of Rochester, 1692,' 12 *State Trials*, pp. 1051-79; *Earl of Dartmouth's MSS.* (Hist. MSS. Comm., *Report xi*, part v), 285-92: commitments by the secretary of state, *R. v. Kendall*, 1695, 1 *Salkeld's Reports*, 347; 12 *Modern Reports*, 82; *Skinner's Reports*, 596: on commitments by the house of lords or by the house of commons, *Lords' Journals*, xiv. 134, 139, 145, 354; *Commons' Journals*, x. 20, 274, 275.

⁴ *Petition of Right*, 1628, 3 Car. I, c. 1; *R. v. Kendall*, 1695, 12 *Mod. Rep.* 83; 2 Hale, *Pleas of the Crown*, c. 14; *Paty's Case*, 1705, 2 *Lord Raymond's Reports*, 1105

imprisonment, a release upon bail, or a speedy trial, was the writ of Habeas Corpus.⁵ Any person detained in prison, except for 'treason or felony, plainly and specially expressed in the warrant of commitment', or any one in his behalf, might demand of the jailer a copy of the warrant, which must be delivered within six hours under pain of fine.⁶ Upon view of the copy, or upon oath that a copy had been denied, and in case a probable cause of injustice was shown, the lord chancellor or a justice of one of the three common law courts was obliged to grant a writ of Habeas Corpus, in which the jailer was commanded to produce the prisoner and the warrant within three days.⁷ The lord chancellor or the justice must discharge the prisoner within two days, if it was clear from the cause given in the warrant that the detention was unlawful, release him upon bail, or remand him to prison.⁸ Certain crimes, particularly treason and felony, were said not to be bailable.⁹ But the court of king's bench had

⁵ For a brief history of the writ of Habeas Corpus see Jenks, 'The Story of Habeas Corpus, *Law Quarterly Review*, xviii. 64-79; Van der Veen, *Engelsche Habeas Corpus Act*, Leiden, 1878; Fry, *Report on the Canadian Prisoners, with an Introduction on the Writ of Habeas Corpus*, London, 1839; and my paper on 'The Writ of Habeas Corpus', *American Law Review*, xlii. 481-99. The Habeas Corpus Act, 31 Car. II, c. 2, did not provide against excessive bail and left to common law practice illegal detention in connexion with civil actions. During the convention parliament, 1689, the charge of imposing excessive bail was frequently brought against the late justices. The Bill of Rights, 1689, 1 William & Mary, sess. 2, c. 2, declared that 'excessive bail ought not to be required'. 56 Geo. III, c. 100, extended the provisions of the act of 1679 to imprisonments under civil actions and authorized the justice to call in question and investigate the facts set forth in the return. This last provision, however, appears to have been merely a statutory declaration of a principle long recognized at common law; for most of the justices, when questioned in the house of lords in 1758, had expressed their opinion to the effect that justices had authority to call in question facts alleged in the return to a writ of Habeas Corpus: *Wilmot's Notes and Opinions*, 81-129.

⁶ 31 Car. II, c. 2; 2 Coke, *Inst.* 53-5; 4 Coke, *Inst.* 81, 182, 290; 2 Hale, *Pleas of the Crown*, c. 17; 2 Hawkins, *Pleas of the Crown*, c. 15.

⁷ The writ of Habeas Corpus is a prerogative writ which issues of right, but not of course; probable cause must be shown: *Wilmot*, 81, 87; *Anon.* 1671, *Carter's Reports*, 221; *Bushell's Case*, 1674, 1 *Mod. Rep.* 119; *R. v. Pell*, 1674, 3 *Keble's Reports*, 279; *R. v. Cowle*, 1759, 2 *Burrow's Reports*, 834. At present in England it is customary to grant the writ of Habeas Corpus at common law by which the return must be made 'immediately'. But an extension will be allowed upon good cause: *Kendrick*, *Habeas Corpus*, in *Lord Halsbury's Laws of England*, x. 55, 66.

⁸ By 31 Car. II, c. 2, s. 4, if the jailer shifted the prisoner to another prison in order to avoid a return, or neglected to give a copy of the warrant of commitment upon demand, or did not make the proper return within the time specified, he was liable to a forfeiture of £100 to the person aggrieved, and for the second offence, £200 and disqualification from office. Section 9 provided that if the justice during vacation denied the writ of Habeas Corpus upon proper application, he was liable to a forfeiture of £500 to the party aggrieved. It would appear, however, that when the application was made to the court, the court was allowed a discretion: 2 *Hawkins*, *Pleas of the Crown*, c. 15.

⁹ Statutes determined what crimes were bailable and what were not. The most important were 3 Edw. I, c. 15, 1275; 34 Edw. III, c. 1, 1361; 23 Hen. VI, c. 10, 1445; 1 & 2 Phil. & Mary, c. 13, 1554; 2 & 3 Phil. & Mary, c. 10, 1555: cf. 2 Hale, *Pleas of the Crown*, c. 15; 2 *Hawkins*, *Pleas of the Crown*, c. 15.

authority to bail at its discretion any person, unless he had been committed by either house of parliament.¹⁰ If the prisoner during the first week of the term or on the first day of the session after his commitment for treason or felony, petitioned for his trial, he must be indicted or released upon bail at that term or session, unless it was proved that the Crown witnesses could not be produced at that time; in which case he must be tried by the close of the following term or session, or discharged.¹¹

The writ of Habeas Corpus has been regarded since the seventeenth century as the highest guarantee of personal liberty. It is an extraordinary remedy which enables the judiciary to call in question acts of the executive and discharge persons unlawfully detained. In times of exceptional public disturbance it has been deemed wise to give to the executive powers which are withheld in times of peace. When spies and traitors are believed to be stirring up sedition and rebellion the executive has often been authorized to arrest and detain without bail or trial persons suspected of these offences, on the ground that the disorders of the time will not permit the ordinary degrees of proof and that a disclosure of the facts would tend to endanger public safety. This power, which seems to have been a part of the ancient prerogative of the Crown, was taken away in the seventeenth century;¹² but it was revived for a limited time by parliament during the periods of the more serious Jacobite activities between 1689 and 1745, the wars of the French Revolution and Empire, and finally during the economic disturbances in 1817.¹³ These acts, though justly regarded as measures to be

¹⁰ 2 Hale, *Pleas of the Crown*, c. 15; 2 Hawkins, *Pleas of the Crown*, c. 15; Fitz-Patrick's Case, 1696, 1 Salkeld 103; 1 Leonard's *Reports*, 70. Hale says concerning bailing by the king's bench for treason or murder, 'this is in the discretion of the court, and none can challenge de jure'. In Witham and Dutton, 1689, Comberbach's *Reports*, 111, it was declared that the king's bench bailed such offences only upon the consent of the attorney-general. The superior court regularly remanded to prison, if the commitment had been made by either house of parliament, unless a dissolution or a prorogation had intervened: King v. the earl of Salisbury, 1690, 1 Shower's *Reports*, K. B. 100; Carter 131; Proceedings against the earl of Castlemaine, 1689, 12 *State Trials*, p. 614.

¹¹ 31 Car. II, c. 2, s. 6, was fully discussed in the house of lords, November 1692: *Lords' Journals*, xiv. 105-15; *House of Lords MSS.*, 1692-3 (Hist. MSS. Comm., *Report* xiv, part vi), 86-91; Turberville, *The House of Lords in the Reign of William III*.

¹² See above, p. 614, n. 5. It would appear that down to 1628 the court had no authority to call in question a commitment by the special order of the king: Pollock and Maitland, *History of the English Law*, ii. 584-90; Howell's Case, 1588, 1 Leonard 71; Resolutions in Anderson, 1592, *Les Reports du treserudite Edmund Anderson*, London, 1664, pp. 297-8 (given in slightly different form in Prothero's *Statutes and Constitutional Documents*, 1558-1625, pp. 446-8); Darnel's Case, 1627, 2 *State Trials*, p. 1. The Petition of Right, 3 Car. I, c. 1, provided that such warrants of commitment must clearly state the cause of the detention. The statute of 16 Car. I, c. 10, which abolished the court of star chamber, required the courts of king's bench and common pleas to investigate upon writs of Habeas Corpus commitments ordered by the king, or privy council, and within three days discharge, bail, or remand according to the law.

¹³ In 1689, 1696, 1708, 1715, 1722, 1745, 1794-5, 1798-1801, and 1817.

employed only in the last extremity, did not, as is often believed, totally suspend the operation of Habeas Corpus. Only those persons who had been detained by order of the privy council, or the secretary of state, upon suspicion of high treason were denied the benefits of the Habeas Corpus Act.

The weeks which followed the choice of William and Mary by the Convention Parliament were filled with doubt and uncertainty. From the first flight of James on 10 December 1688 to 13 February England had been under a provisional form of government, and time was necessary to restore the old order of things. The tories and high churchmen, seeing in the acceptance of William of Orange a victory for the whigs and latitudinarians, had stoutly opposed the whig plan of settlement, while that party resented the few tory appointments and desired to be revenged on their political enemies who had enjoyed the confidence of the late king. James was making active preparations at St. Germain's for regaining the crown. Numerous letters and proclamations sent by him into England promised a settlement of church and state by a free parliament, and it was feared that they would exercise a powerful influence upon waverers. Ireland was in a state of revolt and the friends of James in Scotland were ready to take up arms. In England the soldiers were indignant at the contemptible part they had been forced to take in the recent events. Wild rumours were afloat that whole towns had been burned and their population put to the sword by the soldiers whom Faversham disbanded on James's flight. Jacobite pamphlets were assiduously circulated. The people in their alarm turned against the catholics as the implacable enemies of church and state. The danger, although greatly exaggerated, was indeed real. Even Halifax and Danby were said to have expressed their conviction that, if James would give a satisfactory guarantee concerning the church, his restoration would be assured.¹⁴

The civil administration had broken down with the flight of James. At the request of the peers, several members of the parliaments of Charles II, and the mayor and aldermen of London, William of Orange had undertaken the 'administration of public affairs, both civil and military', and had sent out letters, for the election to the convention parliament on 28 December.¹⁵ On the theory that the privy councillors, the great officers of state, the royal justices, and the subordinate magistrates, were the personal

¹⁴ Reresby, *Memoirs*, pp. 441, 449; also cited by Macaulay, iii. 1322. Robert Harley wrote on 22 January that it was generally reported among 'the common sort that the Convention will recal the King'; he said that this report had lowered the markets: *Duke of Portland's MSS.* (Hist. MSS. Comm., *Report* xiv, part ii), iii.

¹⁵ *Lords' Journals*, xiv. 101; *Commons' Journals*, x. 5-8; *London Gazette*, no. 2414; Reresby, p. 426; Clarendon's *Diary and Correspondence*, ii. 235-6. The vote of the peers was on 25 December, that of the commons on 26 December.

servants of the king, the tenure of their offices expired when James ceased to be sovereign.¹⁶ On 31 December, however, William had published a declaration ordering all civil magistrates who were not papists and had been in office on 1 December as sheriffs, justices of the peace, customs and revenue officers, to continue to exercise the powers of their offices.¹⁷ This declaration was confirmed by royal proclamation on 14 February.¹⁸ On the same day the privy councillors were sworn in and the earl of Shrewsbury selected as one of the secretaries of state.¹⁹ It was not until after the middle of March that new justices of the peace and sheriffs were appointed.²⁰ The political and the judicial functions of the office of lord chancellor were separated. On 22 January the house of lords had elected as their Speaker the marquess of Halifax.²¹ A commission of three was named to exercise the powers of the lord keeper of the great seal, but they did not qualify until 5 March.²² The appointment of the justices was long delayed, perhaps for a purpose. The Hilary term of court was not held.²³ On 15 March a warrant was issued ordering that commissions be given to one justice for each of the three common law courts,²⁴ but it was not until 12 April that the secretary of state notified the council that all the twelve justices had been appointed.²⁵

¹⁶ 2 Dyer, p. 289; Lambard, *Eirenarcha*, book i, c. 5. By the statute of 6 Anne, c. 41, the practice was changed, and these officials were authorized to continue in office for six months after the demise of the king unless sooner removed by the next in succession: Anson, *Law and Custom of the Constitution*, ii, part i, pp. 251-5.

¹⁷ *London Gazette*, no. 2415.

¹⁸ *Ibid.*, no. 2428; *Cal. of State Papers, Dom.*, 1689-90, p. 1.

¹⁹ *Cal. of State Papers, Dom.*, pp. 1-2; *London Gazette*, no. 2428. The earl of Nottingham was appointed the other secretary of state in March. The *London Gazette*, no. 2434, announced the appointment on 5 March, but the *Cal. of State Papers, Dom.*, p. 22, gives the warrant for this appointment on 12 March.

²⁰ On 15 March the secretary of state sent to the council a list of the new justices of the peace: *Cal. of State Papers, Dom.*, p. 25. Warrants for the appointment of the lord-lieutenants were given on 12 March: *ibid.*, p. 20. The *London Gazette*, no. 2437, announced the appointment of the sheriffs on 18 March.

²¹ *Lords' Journals*, xiv. 101; *London Gazette*, no. 2421. The honour was given to Sir Robert Atkins, chief baron of the exchequer, by royal commission, 19 October: *Lords' Journals*, xiv. 319.

²² The warrant for the commission was issued on 27 February: *Cal. of State Papers, Dom.*, p. 9; and the appointment was announced in the *London Gazette* (no. 2432) on 2 March. For minutes of the council for 5 March, see Campbell, *Lives of the Lord Chancellors*, iv. 3, footnote. See also Vernon's *Reports*, p. 95.

²³ 1 Will. & Mary, c. 4. Philip Musgrave wrote to Lord Dartmouth on 11 December that most of the justices had fled: Hist. MSS. Comm., *Report* xv, part i, p. 139. Wright, the late chief justice, was committed to the Tower by the lord mayor of London, 13 February: *Cal. of State Papers, Dom.*, p. 1.

²⁴ *Cal. of State Papers, Dom.*, p. 24. The appointment of three of the justices was made in the house of lords on 21 March: *Lords' Journals*, xiv. 155.

²⁵ The appointment of the twelve justices was not formally announced in the *London Gazette* (no. 2451) until 4 May, but it is clear that they received their

From what has been said it is clear that there was no lack of authority to put a man in prison. Before 1 March numerous orders for arrest and commitment had been given by the two houses of parliament, by the council, and by the secretary of state.²⁶ Many had been issued upon suspicion only. Although justices of the peace had no authority to commit on suspicion, it would appear that some at least had exercised that power.²⁷ On 27 February the secretary of state sent out a warrant for the arrest of Robert Hamilton upon suspicion of high treason and on the following day one for the arrest of the earl of Arran.²⁸ Letters from France had been intercepted which seemed to show that these men were conspiring for the restoration of James. On 1 March warrants were given for the arrest of nine other persons.²⁹ Although the house of lords upon petition had ordered the discharge of a few prisoners,³⁰ it was impossible for persons in detention to secure their release upon writs of Habeas Corpus, for the machinery by which these writs were obtained had broken down completely. The commissioners of the great seal did not enter office until 5 March and the first three justices were appointed ten days later.

In consequence of the arrests just mentioned, on 1 March, Richard Hampden, a member of the privy council, laid before

commissions earlier, for Easter term was held as usual, beginning on 17 April, Luttrell, i. 522. On 12 April the secretary of state announced to the council the appointment of the justices, but instructed it not to make out commissions until they had been notified: *Cal. of State Papers, Dom., 1689-90*, p. 59.

²⁶ *Lords' Journals*, xiv. 109, 119, 134, 133; *Commons' Journals*, x. 19, 20; *Cal. of State Papers, Dom.*, pp. 1, 3, 4, 9, 10; Luttrell, i. 493, 497, 505, 506; *House of Lords MSS., 1689-90*, p. 12; Campbell, iv. 578.

²⁷ 1 Will. & Mary, sess. 2, c. 8, discussed below, p. 629.

²⁸ *Cal. of State Papers, Dom.*, pp. 9, 11; Luttrell, i. 505; Reresby, p. 440; Clarendon's *Diary*, ii. 285-6; *H. C. Pole-Gell's MSS.* (Hist. MSS. Comm., Report ix, part ii), p. 399.

²⁹ *Cal. of State Papers, Dom.*, p. 11.

³⁰ *Lords' Journals*, xiv. 119, 134, 139, 145. But in all these cases the peers had originally ordered the commitment. There is an interesting case of a justice of peace allowing bail when he had no authority. James Smith, a justice of the peace, committed one Brent for high treason, 14 January. Later, Smith released Brent upon his personal recognizance of £500 and four sureties of £250 each. On 4 February Smith was ordered to appear before the house of commons to answer the charge of having released on bail a person charged with high treason: *Commons' Journals*, x. 19. Two days later the house committed Smith to the custody of the serjeant-at-arms for the offence: *ibid.*, p. 20. On 22 February a committee was appointed by the house of commons to investigate the matter, and an address was sent to the king asking him to issue a proclamation for the apprehension of Brent: *ibid.*, p. 32. The proclamation is given in the *London Gazette* (no. 2432), 28 February, ordering 'All Our Loving Subjects' to assist in the apprehension of Brent, charged with high treason. The committee reported on 29 April: *Commons' Journals*, x. 110. On 2 May the house instructed the solicitor-general to prepare an indictment against Smith: *ibid.*, p. 117. On 6 May Smith was discharged from the custody of the house upon a certificate that he had given bail to Holt, C.J., to appear to the indictment: *ibid.*, p. 121. On 13 May the house sent the papers in its possession against Smith to the solicitor-general to be used by him in the prosecution: *ibid.*, p. 137.

the house of commons a royal message to the effect that credible information had been received that conspirators were holding secret meetings in and about town in the interest of James II, that several persons had already been apprehended upon suspicion of high treason, and that others would probably be seized for a like reason.³¹ If these persons should obtain their release upon writs of Habeas Corpus, the king's safety and that of the nation would be endangered. Ordinary bail would not be sufficient to deter persons who had so much at stake, and excessive bail had just been denounced in the Declaration of Rights. A similar message was sent to the house of lords.³² The peers at once voted an address advising the king to detain all suspected persons until 17 April, the first day of Easter term. This plan, which the house of commons was asked to approve, was nothing less than a suspension of the Habeas Corpus Act by the king upon address by parliament.

But the lower house had decided upon another method of procedure. There was a general conviction that the danger was urgent and that some unusual course was necessary, but there was a wide divergence of opinion as to what that course should be.³³ Boscawen held that the soldiers were the chief source of danger and suggested a plan which was afterwards embodied in the mutiny act. A method similar to that of the upper house was rejected because it was said that the justices would be bound only by formal legislation, not by address. Excessive bail was opposed on the ground that it would amount to a denial. At length a motion was made to bring in a bill for a temporary suspension of the Habeas Corpus Act. The chief objection to the bill was that parliament would be entrenching upon the Habeas Corpus, 'a thing so sacred,' as one member expressed himself. Sir Thomas Clayton, though supporting the measure, remarked that if it had not been for the act that they were about to suspend, many of the members present would have been dead and rotting in prison. The bill was brought in, read twice, and committed all on the same day, a procedure which was later criticized for undue haste.³⁴ When the consideration of the bill was resumed on the 4th, some one recalled the attempted arrest of the five members in 1642 and a proviso was inserted securing the privilege of parliament.³⁵ In the course of a debate on 5 March Major Wildman said that there were thirty persons in prison who had been committed without law. In order to keep them in prison it was suggested that the house should commit them for

³¹ *Commons' Journals*, x. 37-8.

³² *Lords' Journals*, xiv. 135.

³³ *Grey's Debates of the House of Commons*, ix. 130-5, reprinted in *Cobbett, Parliamentary History*, v. 154-9.

³⁴ *Grey's Debates*, ix. 136.

³⁵ *Ibid.*, pp. 36-7. The 2nd was taken up with administering the new oaths to members, and the 3rd was Sunday: *Commons' Journals*, x. 39-40. A motion was made that the bill should never be drawn into precedent, but it failed to pass.

contempt, for the justices had no authority to bail persons committed by either house of parliament. This charge was thought too light for persons they intended later to try for their lives. It was then proposed that they should impeach them for high treason and ask the lords to commit them. A special committee was appointed to investigate the matter, and orders were given for the serjeant-at-arms to bring copies of the warrants against persons in the Tower, Newgate, and the Gatehouse.³⁶ But no further action was taken at this time. The bill for the suspension of the Habeas Corpus Act was passed by the house of commons on 6 March and sent to the house of lords, where it was passed on the 7th. But it should be noted that the bill did not receive the royal assent until 16 March.³⁷

The statute, 1 William & Mary, c. 2, with the slight additions made to the acts of April and May, like nearly all subsequent suspensions of the Habeas Corpus Act, was entitled 'An Act for Impowering His Majestie to Apprehend and Detaine such persons as He shall finde just Cause to Suspect are conspiring against the Government.'³⁸ Its main provision is as follows :

For the securing the Peace of the Kingdome in this Time of Imminent Danger against the Attempts and Trayterous Conspiracies of evill disposed Persons, Bee it Enacted . . . That every Person and Persons that shall be committed by Warrant of Their said Majestyes most Honourable Privy Council Signed by Six of the said Privy Council at least for Suspicion of High Treason may be detayned in safe custodie till [17 April, 1689]³⁹ without Baile or Mainprize and that noe Judge or other Person shall Baile or Try any such Person or Persons soe Committed without Order from Their said Majestyes Privy Council Signed by Six of the said Privy Council at least till the said Seventeenth Day of Aprill any Law or Statute to the contrary notwithstanding. Provided always that from and after the said Seventeenth day of Aprill said Persons soe Committed shall have the Benfitt and Advantage of an Act made in the One and thirtyeth Yeare of King Charles the Second Entitled An Act for the better Securing the Liberty of the Subject and for the Prevention of Imprisonment beyond the Sea and also of all other Laws and Statutes any way relating to or provideing for the Liberty of the Subjects of this Realme. And that this present Act shall continue untill the said Seventeenth day of Aprill and noe longer. Provided always and bee it Enacted That nothing in this Act shall be construed to extend to the Ancient Rights and Privileges of Parlyament or to the Imprisonment or Detayning of any Member of either House of Parlyament until the Matter of which

³⁶ Grey's *Debates*, ix. 137-41; *Commons' Journals*, x. 42; *Cal. of State Papers, Dom.*, p. 59.

³⁷ *Commons' Journals*, x. 42; *Lords' Journals*, xiv. 141, 142, 150.

³⁸ *Statutes of the Realme*, vi. 24.

³⁹ The original reading of the bill had been 'shall be detained'. This was changed to 'may be detained', by the house of commons on 6 March, *Commons' Journals*, x. 43.

he stands suspected be first communicated to the House of which he is a Member and the Consent of the said House obtained for his Commitment or Detayning.

It has been said that the warrant for the commissions for the first three justices was not issued until 15 March, the day before the act of suspension came into effect. But the commissioners of the great seal had taken office on the 5th. If the applications for the writs of Habeas Corpus had been made at once by persons held upon suspicion, the commissioners would have been legally obliged to release them on bail by the 8th, eight days before the statute became a law. It is true that I have not been able to find any record of such petitions, but we may be reasonably sure that persons unlawfully detained would have lost no opportunity to secure their release. It is just possible that it was such an emergency which explains the appointment of a commission for the great seal. The only instance before this time of the judicium powers of the lord chancellor being entrusted to commissioners was during the Commonwealth, and that would not be accepted as a precedent.⁴⁰ It appears that serious questions arose concerning their powers and responsibilities, for an act 'for preventing all Doubts and Questions' was passed on 22 June, carefully defining their functions.⁴¹ The commissioners may have taken advantage of such 'Doubts and Questions' to defeat the purpose of the Habeas Corpus Act.

Between 16 March and 17 April warrants were sent out from the home office for the arrest of five persons upon suspicion of treasonable practices,⁴² and of two accused of treason.⁴³ Orders were given for the release of four persons, with the explanation that friends had undertaken that they would appear in London for examination.⁴⁴ A more significant order was sent to Major-General Kirke, stating that it was the will of the king that he would secure all suspicious persons in the country through which he passed and hold them until the king's pleasure was known.⁴⁵

The events of March and April increased the feeling of uncertainty. News from Scotland was more and more disquieting. William was chosen king by the Scottish Convention on 11 April, but Viscount Dundee and other Jacobites had left Edinburgh to raise the highland clans in James's behalf. It was reported that many disaffected persons in England were hastening thither. Several regiments were therefore sent to the northern border to be in readiness in case their assistance was needed. James

⁴⁰ Campbell, iv. 30.

⁴¹ An Act for enabling Lords Commissioners for the Great Seal to Execute the Office of the Lord Chancellor or Lord Keeper, 1 Will. & Mary, c. 21.

⁴² *Cal. of State Papers, Dom.*, pp. 40, 47, 60.

⁴³ *Ibid.*, pp. 27, 44.

⁴⁴ *Ibid.*, pp. 41, 48, 53, 55.

⁴⁵ *Ibid.*, p. 59.

landed in Ireland on 12 March with a few officers and large supplies of arms and money supplied by Louis XIV. Most of Ireland was under his control and it was known that he was making preparations for the invasion of Scotland. Thousands of destitute protestants were crossing the Irish Sea into England, and it was believed that many Irish catholics were accompanying them in disguise to stir up sedition. At the same time England was being denuded of her troops. The Dutch regiments had returned to the Continent early in March and some 8,000 English soldiers were dispatched to Holland under the terms of the treaty of Nimeguen, for Louis XIV had declared war against that country. Out of 25,000 foot-soldiers, only 10,000 were left in the kingdom.⁴⁶ More serious still, disaffection was rife in the army. Near the middle of March a dangerous mutiny occurred at Ipswich.⁴⁷ During the debate in the house of commons on this mutiny Colonel Birch exclaimed, 'This is no jesting business.'⁴⁸ Seditious meetings were reported in many parts of England. Regarding the charge of mutiny as too light, the king at the request of both houses of parliament issued a proclamation declaring the mutineers and their adherents to be traitors waging war against his majesty.⁴⁹ The catholics were again made the special object of attack. They were accused of being responsible for the mutiny and of circulating seditious libels against the government. On 8 April it was declared in a motion which passed the house of commons that the catholics were as active against the peace of the kingdom as they had been in the thirtieth year of Charles II's reign.⁵⁰ Two severe laws were passed for disarming the catholics and removing them from London, Westminster, and other towns.⁵¹

The act of suspension expired on 17 April, the first day of the Easter term. On 22 April Robert Hamilton and others entered their petition to be tried or bailed under the Habeas Corpus Act,⁵² and the following day the earl of Arran appeared before the king's bench upon a writ of Habeas Corpus. But the attorney-general took an exception to the form of the writ, and the earl

⁴⁶ *Cal. of State Papers, Dom.*, 1689-90, p. 48; *London Gazette*, no. 2435; Luttrell, i. 507.

⁴⁷ *London Gazette*, no. 2438; Luttrell, i. 511-12; Reresby, p. 448; *Commons' Journals*, x. 50.

⁴⁸ *Grey's Debates*, ix. 165.

⁴⁹ *London Gazette*, no. 2437; *Commons' Journals*, x. 49; *Lords' Journals*, xiv. 149. Twenty officers and 500 private soldiers were taken prisoners and committed to the Tower and other prisons of London: *Cal. of State Papers, Dom.*, pp. 43, 45; *London Gazette*, no. 2436.

⁵⁰ *Commons' Journals*, x. 82.

⁵¹ An Act for removing Papists and reputed Papists from the City of London and Westminster and ten miles distant from same, 1 Will. & Mary, c. 9 (received royal assent, 24 April, *Lords' Journals*, xiv. 190). An Act for better securing the Government by disarming Papists and reputed Papists, 1 Will. & Mary, c. 15 (received royal assent, 11 May, *Lords' Journals*, xiv. 208).

⁵² Luttrell, i. 524.

was remanded with the order to bring another. Before he could do this the statute was again suspended.⁵³

On 24 April seven letters which the duke of Hamilton had forwarded from Scotland were laid before parliament by one of the secretaries of state, the earl of Nottingham.⁵⁴ Six of them, written by James and by the earl of Tyrconnell, promised, with the aid of Louis XIV, to send an army of 5,000 men to Scotland. A bill for the suspension of the Habeas Corpus Act was brought in at once, passed through the different stages in both houses, and signed by the king on the same day.⁵⁵ This was the most summary suspension of the Habeas Corpus Act in history. The records of the houses show a feverish haste to provide against what was felt to be impending ruin. The second suspension act bears the same title and contains the same provisions as the first, except that the power of committing upon suspicion of high treason was given to either one of the two secretaries of state as well as to the privy council.⁵⁶

On 25 April a warrant was sent to the governor of the Tower to detain nine persons upon suspicion of high treason; and it is significant that one of them was the earl of Arran, who had been ordered two days before to bring a new writ of Habeas Corpus.⁵⁷ For the month, 25 April to 25 May, the warrant-book of the home department contains warrants for the arrest of eighteen persons, ten of them for suspicion of high treason or treasonable practices,⁵⁸ and warrants of commitment against nine persons, seven of them for suspicion.⁵⁹ On 6 May a general warrant was issued 'for the apprehension of all vagabonds, unknown and suspicious persons'.⁶⁰ It was explained that many fires had

⁵³ *Ibid.*

⁵⁴ *Lords' Journals*, xiv. 189-90; *Commons' Journals*, x. 101-3. On 20 April Colonel Heyford sent a letter from Newcastle to the earl of Shrewsbury, one of the secretaries of state, saying that he had learned that John Fenwick was in communication with James, had arrested him, and had given verbal orders for the arrest of others for a like reason. He said that armed men to the number of seventy or eighty were holding meetings in the neighbourhood: *Cal. of State Papers, Dom.*, p. 71. On 20 April eight Scottish mutineers had been committed to Gatehouse in London, and on 22 April twelve persons were committed to Newgate charged with treason, *ibid.* pp. 71, 73. On 24 April the postmaster-general sent letters to the secretary of state showing that James was in communication with several persons in the north, *ibid.* p. 74. The earl of Nottingham laid the letters before the house of lords, who read them and sent them to the house of commons. Four of the letters were written by James from Dublin Castle, 29 March, and two by Tyrconnell, 15 March. Only the names of the persons writing the letters and the persons to whom the letters were addressed are given in the journals of either house. A summary of them, however, is given in the *Duke of Hamilton's MSS.* (Hist. MSS. Comm., *Report xi*, part v), pp. 178-9. The letter from James to the earl of Balcarris is given in *Duke of Buccleuch's MSS. at Montague House* (Hist. MSS. Comm.), pp. 38-9.

⁵⁵ *Commons' Journals*, x. 102; *Lords' Journals*, xiv. 189-90.

⁵⁶ 1 Will. & Mary, c. 7, *Statutes of the Realme*, vi. 37.

⁵⁷ *Cal. of State Papers, Dom.*, p. 76.

⁵⁸ *Ibid.*, pp. 77, 83, 90, 104, 110, 111, 114, 119.

⁵⁹ *Ibid.*, pp. 76, 90, 118.

⁶⁰ *Ibid.*, p. 92.

occurred in several parts of the kingdom and that 'many Irish Papists and other lewd and vagrant persons disaffected to the government, are observed to wander up and down, to the terror of his Majesty's subjects, and have feloniously designed to burn several towns'.

In March there had been little opposition to the suspension of the Habeas Corpus Act and none, so far as we can learn, in April, but the motion for the third bill late in May encountered determined opposition. On 7 May William formally declared war against Louis XIV.⁶¹ Ireland was lost for the time and an invasion of Scotland was momentarily expected.⁶² In England the high churchmen had shown great reluctance to take the new oaths required by law. There were rumours of Jacobite meetings in Lancashire and many pamphlets hostile to the government were widely circulated. Disaffected persons were said to be rushing across the Scottish borders to join the rebels.⁶³ Persons at court were accused of corresponding with James, and it was asserted that one-third of all large payments in England were being made in French money.⁶⁴ Finally, much uneasiness was felt because of the king's indifferent health.⁶⁵

On 22 May Richard Hampden, the leader of the whigs in the house of commons and a staunch adherent of the rights of personal liberty, moved for the introduction of a bill to continue the suspension of the Habeas Corpus Act. Anchtell Grey, a member of the house, whose personal notes are the most complete and reliable account of the debates of this period, has left to us the substance of the speeches of twenty-one persons on this occasion.⁶⁶ It is impossible to identify the political affinities of all of them, but it is clear that the measure was supported by the whigs and opposed by the tories. This change of party championship of the rights of personal liberty is not difficult to explain. The whigs, who had a substantial majority in the house of commons, in the privy council, and in the administration, showed great reluctance to pass the act of general pardon without many exceptions.⁶⁷ Many of the tories were deeply implicated in the late period

⁶¹ *London Gazette*, no. 2452.

⁶² *House of Lords MSS.*, 1689-90, pp. 134-44.

⁶³ *Grey's Debates*, ix. 263.

⁶⁴ *Ibid.*, ix. 268.

⁶⁵ Reresby writing for 5 May on William's 'consumptive distemper', said it was the opinion of Halifax that the king would live through the summer, if not killed by the papists, Reresby, p. 460.

⁶⁶ *Grey's Debates*, ix. 262-76, reprinted in *Parl. Hist.*, v. 266-76.

⁶⁷ On 25 March William sent a message to both houses of parliament urging the necessity of an act of general pardon for those who were implicated in the late revolution, 'to take away all distraction and occasion of discord among them': *Commons' Journals*, x. 63; *Lords' Journals*, xiv. 160. Beginning in April and continuing through the session until 20 August this measure was warmly debated and a large number of exceptions were urged. The debate was resumed in the fall and was one of the reasons for the dissolution of parliament in February.

of misrule under James II, and it was not at all strange that they would hesitate to entrust their vindictive enemies with so much arbitrary power.

The measure was debated in the house of commons on 22, 24, and 25 May. The reasons urged for its adoption were, that the administration of justice had not assumed its ordinary course, that the nation was at war, and that many conspirators, who were in prison or would soon be placed there, would obtain their release by writs of Habeas Corpus. Conditions were bad now, but they would be worse when parliament adjourned for the summer. Louis XIV was threatening England from one side, James II from another; while at home the catholics and other disaffected persons were conspiring against the government. One member asked, 'Was the Act of Habeas Corpus made to shackle a good Prince?' Sir Henry Capel declared that 'it is the wisdom of all government not to be strait-laced upon any emergency'. There could be no danger in suspension by a freely elected parliament. It was argued in opposition that the ordinary laws were adequate for the emergency. Suspension by parliament of 'an ancient land-mark of the nation' would encourage the king, the privy council, and the courts to a like course, and would be an acknowledgement of weakness which would have an evil effect upon the people. To enable ministers to commit persons upon suspicion without oath would be to expose men to imprisonment for mere idle gossip or for personal grudge. 'Would you have a man committed because he wears his hat on one side?' Sir William Williams, while defending the bill, uttered a warning to the administration, to serve perhaps, too, as a palliative to the opposition. Asserting that those who exercised this extraordinary power acted as the trustees of the people, he went on to say that 'Privy Counsellors by this Bill may commit for suspicion of Treason; if they have no reason for what they do, I tell them to their faces, that they must answer for it in Parliament. They are not to suspect a man because he wears a white perriweg or a mask, but upon a just cause; else he must not be questioned.' Although this theory may be correct in a political sense, it is not sound legal doctrine. The bill for suspending the Habeas Corpus Act until 23 October passed the house of commons by a vote of 126 to 83, passed the house of lords on 27 May, and received the royal assent the following day.⁶⁸ Like the act in March, it gave the power to commit upon suspicion of high treason to the privy council alone. A new provision was inserted

⁶⁸ *Commons' Journals*, x. 143, 145, 150, 151, 153; *Lords' Journals*, xiv. 218, 219, 222, 224. An Act for Impowering Their Majestyes to Committ without Baile such Persons as they shall finde Just Cause to suspect are Conspiring against the Government, 1 Will. & Mary, c. 19; *Statutes of the Realme*, vi. 77.

to the effect that copies of these commitments must be entered by the clerks of the council in a book kept for that purpose. Although an ineffective attempt was made in the spring of 1690 to renew the suspension of the Habeas Corpus Act, this statute passed in May was the last suspension before the assassination plot of 1696.

Throughout the summer and early autumn there were persistent rumours of plots and seditious meetings, particularly in the north and west.⁶⁹ Between 25 May and 23 October, the day when the act of suspension expired, warrants were issued from the home office for the arrest of fifteen persons charged with treasonable or dangerous practices against the government and of fifty upon suspicion of treason. Orders were given for the release of ten persons and for bailing two others. Warrants were sent out for bringing thirty-nine persons to London, in most cases for examination before the council or the secretary of state.⁷⁰ On 20 June the house of commons was informed that Peregrine Osborne, a member, had been served with a warrant for suspicion of high treason, signed by the earl of Nottingham, one of the secretaries of state.⁷¹ The warrant had been issued without oath and the information had been afterwards reduced to writing from memory only. Osborne appeared before the secretary and was released without bail, but upon his word of honour that he would appear again if summoned. He was inclined to minimize the whole affair; but the house evinced much indignation, in view of the clause of the suspension act which forbade such arrests without the consent of the house. At the suggestion of Serjeant Maynard a vote was passed denouncing the proceedings as a violation of the privilege of the house.

On 23 October, the first day of Michaelmas term, when the suspension of the Habeas Corpus Act expired, several persons kept in prison upon suspicion of high treason petitioned for writs of Habeas Corpus. The court of king's bench released a number upon their personal recognizances of £1,000 and four sureties of

⁶⁹ *Cal. of State Papers, Dom.*, pp. 121, 136, 145, 150, 153, 154, 162, 167, 191, 239, 270, 280; *Lord Kenyon's MSS.* (Hist. MSS. Comm., *Report* xiv, part iv), fo. 224-6; Luttrell, i. 561. For intercepted letters from Ireland describing preparations for the invasion of Scotland, see *Commons' Journals*, x. 186; *Lords' Journals*, xiv. 248; *House of Lords MSS., 1689-90*, pp. 144-59.

⁷⁰ *Cal. of State Papers, Dom.*, 1689-90, *passim*. Luttrell, i, makes frequent reference to these arrests and commitments. One blank warrant is reported for the arrest of a suspicious person, and a general warrant for the arrest of suspicious persons found lurking in the neighbourhood of Lee in Kent: *Cal. of State Papers, Dom.*, pp. 124, 175. It appears that there was a committee for prisoners appointed from among the privy council, which made recommendations for the treatment and disposition of the prisoners, that the council took formal action upon these recommendations, and that the secretary of state sent out the necessary orders: *ibid.* pp. 140, 211, 223-5, 291, 348.

⁷¹ *Commons' Journals*, x. 192-200; *Grey's Debates*, ix. 361-2, 368-75; *Parl. Hist.* v. 353-4, 363-6.

£500 each.⁷² Parliament, however, was determined to hinder the escape of the more conspicuous offenders. On 25 October the house of commons was informed that several persons were at that moment before the king's bench to secure bail. Orders were given immediately that three of them, who had been detained in the Tower upon suspicion of treason, should be brought to the bar of the house. One was already released, but the house ordered the serjeant-at-arms to take him into custody. The other two appeared and were committed to the charge of the serjeant for high crimes and misdemeanours.⁷³ On 26 October the house impeached the earls of Peterborough and Salisbury for high treason, and requested the peers to commit them to the Tower, which they did. The earls had been detained in the Tower upon suspicion only.⁷⁴ The same day the commons brought to the bar three other persons who had been in detention for the same reason, discharged one, and committed the others to the Tower.⁷⁵ On the 28th they sent the earl of Castlemaine to the Tower for high treason.⁷⁶ Without this interference by parliament, the king's bench would have been obliged to release upon bail these persons held upon suspicion only; but the court had no authority, during the session of parliament, to bail persons who had been committed by either house. After the dissolution of parliament, the earl of Castlemaine was released on bail, on 10 February; upon his personal recognizance of £10,000 and four sureties of £5,000 each, conditions dangerously near excessive bail.⁷⁷

The suspension of the Habeas Corpus Act seems to have aroused much criticism. It was said that the malcontents by the middle of March 1689 were saying that William the deliverer had before he was a month on the throne deprived the people of a precious right that James the tyrant had respected.⁷⁸ An anonymous pamphlet appeared which referred to the 'suspending and stopping, or stabbing the Habeas Corpus Act'. John Somers in reference to this pamphlet said that the suspension was the only

⁷² Luttrell, i. 595, 597, 601, 610; *Cal. of State Papers, Dom.*, p. 304.

⁷³ *Commons' Journals*, x. 274; for their commitment see *Cal. of State Papers, Dom.*, p. 76.

⁷⁴ *Commons' Journals*, x. 275; *Lords' Journals*, xiv. 326; *Cal. of State Papers, Dom.*, p. 76; *12 State Trials*, p. 598. The earls were ultimately bailed by the house of lords on 7 October 1690, and discharged from their bail on 30 October: *Lords' Journals*, xiv. 515, 518, 538, *House of Lords MSS.*, 1690-91, pp. 91-2.

⁷⁵ *Commons' Journals*, x. 275; *Cal. of State Papers, Dom.*, p. 76.

⁷⁶ *Commons' Journals*, x. 276; *12 State Trials*, p. 613; *Duke of Portland's MSS.* iii. 27. On 28 January 1689 the house of lords had requested William of Orange to send for the earl of Castlemaine and put him under arrest: *Lords' Journals*, xiv. 109. He was committed to the Tower by warrant for dangerous practices against the government, 4 May 1689: *Cal. of State Papers, Dom.*, p. 90.

⁷⁷ *12 State Trials*, p. 613; *Cal. of State Papers, Dom.*, p. 458.

⁷⁸ Ronquillo, cited by Macaulay, iii. 1353.

way to secure property and liberties against a civil and domestic war which would likely have followed if power had not been given to secure the ringleaders at a time when things were not on a sure foundation.⁷⁹ Another pamphleteer sarcastically remarked that the suspension of the Habeas Corpus Act was not the way to preserve the liberties of England.⁸⁰ Nor was the suspension brought into operation without legal irregularities. On 26 December the secretary of state, in reply to a letter from the mayor of Bristol which stated that several persons had demanded copies of the warrants of their commitment, gave an assurance that the Habeas Corpus Act imposed severe penalties for refusal to give copies of the warrants within six hours after demand. He went on to say that he had learned that many of these commitments had been made upon verbal orders only, and for this practice he demanded an explanation.⁸¹ As we have seen, several general warrants and blank warrants had been issued. On 14 August, after hearing a petition, the house of commons passed a resolution that imprisoning and imposing penalties by officers in the army upon persons who were not soldiers in actual service was a violation of the rights of the people.⁸² There were numerous complaints of ill treatment in prison, and the council gave orders on 19 August that prisoners should be allowed all civil usage consistent with their safe-keeping, but at the same time they ordered that no more than 4*d.* a day should be provided for the maintenance of each.⁸² On 28 October a debate took place in the house of commons on the usage of prisoners, and the attorney-general was instructed to prosecute the keeper of Newgate for ill treatment of prisoners.⁸⁴

⁷⁹ John Somers, 'Vindication of the Proceedings of the late Parliament of England,' *Somers Tracts*, x. 257-68 (reprinted in *Parl. Hist.*, v, App. iv).

⁸⁰ 'Observations upon the late Revolution in England,' *Somers Tracts*, x. 336-43.

⁸¹ *Cal. of State Papers, Dom.*, p. 371.

⁸² *Commons' Journals*, x. 265.

⁸³ *Cal. of State Papers, Dom.*, pp. 217, 223, 224, 232, 233.

⁸⁴ *Commons' Journals*, x. 276. A pamphlet entitled 'People of England's Grievances offered to be inquired into and redressed by their Representative in Parliament', by Sir James Montgomery, *Somers Tracts*, x. 542-6, called special attention to the treatment of three prisoners in Newgate who had been committed by a warrant of the secretary of state in the summer of 1689. Their irons, so Montgomery declared, were not struck off until they had penetrated the flesh. The chief justice had refused to bring them to trial because they had been committed by the secretary of state, and the secretary had said, when approached on the subject, 'Knock them on the head'. But it is no doubt true that irregularities in practices were not confined to the period of the suspension of the Habeas Corpus Act. Sir Christopher Shower, writing in 1692, said that since 1679, the date of the passage of the Habeas Corpus Act, 500 persons to one had been committed more than were tried, or even against whom an indictment was found. 'I am apt to believe that hundreds have been committed without oath and consequently without just cause of suspicion.' He praised the Habeas Corpus Act, but did not think that it went far enough. He was bitter in his attacks upon prisons, the fees, delays, vails, and unhealthy conditions. See his 'Reasons for a new Bill of Rights,' *Somers Tracts*, x. 568-79.

It is impossible to determine how far the suspension of the Habeas Corpus Act was effective. The opinion of Sir John Somers, solicitor-general and afterwards lord chancellor, has been given. Its preventive effect was no doubt important. The period was one of confusion and uncertainty, and the civil administration had been seriously deranged by the Revolution. Many irregularities in legal practice had occurred, some of them justified by the occasion and some of them not. In the winter of 1689-90 many suits were commenced against those who were legally responsible for these irregularities, and in February an act of indemnity was passed for their relief.⁸⁵ It recited that

About the time of his Majestyes glourous Enterprize . . . divers Lords Gentlemen and other good People well affected to their Country did act as Lieutenants Deputy Lieutenants Justices of the Peace or other Officers Civill or Military though not sufficiently authorized thereunto and did apprehend and putt into custodie severall criminous and suspected persons and did seize and use divers horses . . . in which Proceedings some Force and Violence and defect of Forme was unavoidable which in a time of Peace and Common Safety would have been unwarantable. And also since their Majesties happy accession to the Crowne by réason of the Wars and troubles raised and occasioned by the enemies of their Majestyes and this Kingdome divers like Matters and Things have been acted and done all which were necessary and allowable in regard of the exegencies of publique Affairs and ought to be justified and the parties concerned therein indemnified.⁸⁶

In many respects the act of indemnity was more opposed to the spirit of the common law than the suspension of the Habeas Corpus Act itself, for it gave immunity to all officials, however wantonly and arbitrarily they had acted.⁸⁷ As had been said, it was a catching age for precedents. In all the later suspensions of the Habeas Corpus Act, although the machinery of government was in full operation, the methods and practices used in 1689, when that machinery was gravely impaired, have been

⁸⁵ The bill was introduced in the house of commons on 15 January 1690 and received the royal assent on 27 January: *Commons' Journals*, x. 332-339; *Lords' Journals*, xiv. 427. The Speaker, in presenting the bill to the king for his signature, said that these suits were being brought by persons ill-affected to the government.

⁸⁶ 'An Act for Preventing vexatious Suits against such as acted in order to the bringing in their Majestyes or for their Service,' 1 Will. & Mary, sess. 2, c. 8: *Statutes of the Realme*, vi. 153.

⁸⁷ For a discussion of acts of indemnity in connexion with suspensions of the Habeas Corpus Act see Dicey, *The Law of the Constitution*, ch. vi. Although the chapter is highly suggestive, I cannot accept his view that assurance that an act of indemnity will follow a suspension of the Habeas Corpus Act is necessary to make the suspension effective. It does not appear reasonable that a court would hold a minister or his agent liable for having committed upon suspicion a person who was in fact innocent, while the suspension act was in effect. But it is clear that the act of indemnity would relieve these officials from strict adherence to the statute and from the liability for numerous irregularities not covered by the statute.

followed. In nearly every instance too the suspension of the Habeas Corpus Act has been followed by an act of indemnity, although not as a rule so extensive in its scope. A consideration of the arbitrary power which may be exercised under a suspension of the Habeas Corpus Act followed by acts of indemnity, gives force to William Whitlock's remark, in May 1690, referring to the power to commit upon suspicion: 'If an Angel came from heaven that was a Privy councillor, I would not trust my Liberty with him one moment.'⁸⁸

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⁸⁸ Grey's *Debates*, ix. 146; *Parl. Hist.*, v. 642.

Castlereagh and the Spanish Colonies

II. 1818-1822

IN a previous article¹ the policy of Castlereagh towards the Spanish colonies was shown to be mainly designed to avert two great dangers to British interests. It was necessary for Great Britain to prevent any continental power from aiding Spain to crush by force of arms the resistance of her colonies. But this policy could not be openly avowed, for it was also necessary to stop the United States from extending their political and commercial influence in South America by recognizing the existence of those colonies as separate states. This task Castlereagh had successfully accomplished without breaking up the European concert, though it became exceptionally difficult as the conference of Aix-la-Chapelle approached. The mysterious intrigues of the Russian ambassadors, Pozzo di Borgo at Paris and Tatistchev at Madrid, which for three years had harassed English diplomatists, redoubled in vigour, and Castlereagh set out for the conference in no very friendly mood towards either Russia or Spain. Just before the conference, indeed, Spain had at last shown some signs of recognizing the real nature of her position in South America. In a note of June 1818 she had half accepted the principles upon which Castlereagh had insisted since 1812, as a necessary condition of any intervention by Great Britain in the dispute. Castlereagh had replied by a memorandum of 28 August 1818,² in which he had tried to induce Spain to continue in this line of conduct; but before it reached Madrid another change had taken place in the fitful policy of the *Camarilla*, and news came that Tatistchev was once more supreme. Thus Castlereagh, when at this juncture he wrote his instructions for the conference, did not know exactly what opposition he would have to meet with at Aix-la-Chapelle. He did not wish to close the door to the kind of intervention which he was prepared to accept, especially in view of the ambiguous position of the United States. At the same time he was determined not to depart from his condition that force was

¹ *Ante*, xxvii. 78-95, 1912.

² Confidential Memorandum, 28 August 1818, Foreign Office, Spain 216.

in no circumstances to be employed. In his instructions, therefore, it was clearly laid down that both Spain and the allies must agree to this condition before any scheme of intervention could be accepted by Great Britain.³

The subject was not discussed at the conference until much progress had been made with the principal objects of the meeting. By that time Castlereagh had already established his position, and it was obvious that Austria and Prussia would support him in all essential points. Moreover, he had already, by a policy of the utmost frankness, placed his relations with Alexander on a better footing, even if the Russian statesmen were still sullenly hostile. Towards the end of October the colonial problem occupied the attention of the conference for several days. Neither France nor Russia pressed the Spanish case with any obstinacy. Richelieu had, in fact, been ordered not to commit himself until he had secured the principal object of his country, the removal of the allied forces from French soil at as small a cost as possible.⁴ The Russian plans were apparently not yet fully matured. Castlereagh was thus able to report

that there seemed a general concurrence that force would under no circumstances be employed, and that Spain must as a preliminary measure confer upon her South American provinces, which had remained faithful, the full extent of advantage which the mediators were to be authorized to propose to the provinces in revolt.

The only sign that Capodistras and Pozzo had not given up all hope was the wish expressed by France and Russia that the insurgent colonies should not be informed of the stipulation that force was not to be used. To remove all misconceptions on this as on other points, Castlereagh drew up a memorandum which ruthlessly exposed the difficulties of the negotiations. At the same time he suggested that the problem was so intricate that its solution probably depended on the five powers agreeing to appoint some one person to act in the name of them all. Though the name of this person was not actually given, the device was really meant to give to Great Britain the control of the negotiation; for, as Castlereagh pointed out in his dispatches, such a trust could only be confided to the duke of Wellington, which 'would at once carry the negotiation to London where it ought to be under the immediate direction of the British cabinet'. Meanwhile news came from Madrid that the Spanish government, denied admission to the conference, had determined not to accede to

³ Second Cabinet Memorandum, 18 September, F.O., Continent 34. There is ample evidence in the draft preserved that it was not easy to frame these instructions.

⁴ Instructions de Louis XVIII au duc de Richelieu, 16 September 1818, *Sbornik* of the Imperial Russian Historical Society, cxix. 827.

any plan proposed in her absence, and Castlereagh half expected the whole matter to drop.⁵

For some time, in fact, little was done. When Castlereagh seized an opportunity of speaking to the tsar on the subject, Alexander answered vaguely and admitted he was not satisfied with his own ministers. At this point came news that the friends of the South Americans in the United States congress were again active, and that the recognition of some of the insurgent states could not be long delayed.⁶ The Russian ministers, relying no doubt on the impression that this news would make on Castlereagh, made a last attempt, which in conjunction with France they had been preparing for some time, to involve Great Britain in a negotiation without first giving an explicit declaration against the use of force. Their views were stated in a memorandum in the names of France and Russia, in which the influence of Pozzo di Borgo and Capodistras can be easily traced.⁷ This paper laid stress on the danger to Europe of a republican South America entirely under the influence of the United States, suggested that the duke of Wellington should go to Madrid in the name of all the powers and preside over a conference of ambassadors there, to which the United States should be asked to send a representative,⁸ and finally contended that a specific declaration of the intention of the powers to use peaceful methods of persuasion was unnecessary, or at least could be deferred to the end of the negotiations.

Castlereagh was in no mood to consider a paper like this. He had recently received dispatches from Wellesley with the information that Tatistchev was still carrying on his mysterious diplomacy at Madrid, and he determined to take action immediately to probe the whole matter to the bottom. He at once told the Russian ministers, whom he regarded as responsible for the paper, 'that it was highly unsatisfactory and objectionable.' But something more was necessary, and with the utmost candour he brought the whole affair to a head. In an interview he delivered himself as follows :

I told them frankly that as materially connected with that subject, I could not refrain from speaking to them frankly upon the state of our

⁵ Castlereagh to Bathurst, 2 November 1818, F.O., Continent 36. The memorandum is enclosed.

⁶ Gallatin told Hauterive (in charge of the Department of Foreign Affairs at Paris) that recognition could not be long delayed. Cf. Henry Adams, *The Writings of Albert Gallatin*, ii. 76, 87.

⁷ Printed in Wellington's *Supplementary Dispatches*, xii. 805, where a wrong heading is given.

⁸ Mr. Alison Phillipps calls attention to this point in the preface to his interesting *Confederation of Europe*, but he seems to have overlooked the fact that this memorandum had long been in print in the *Supplementary Dispatches*, and could not therefore come as a surprise to American historians.

diplomatic relations at Madrid, that it was my duty to them and to my own court to call their attention to this singular state of things. That whilst we were at Aix-La-Chapelle in an intercourse of unreserved confidence, and under the most gratifying conviction that we had but one common object, namely, the preservation of peace and the perpetuation of our alliance, our ministers at Madrid were living in distrust of each other, and the British minister at this moment was actually under an impression that Russia and France were endeavouring to engage Spain in an alliance offensive and defensive in separation from the other Powers. . . . They appeared struck with the communication, and, whilst they treated the intelligence as absurd and fabulous, they admitted that it proved that intrigue was busy, and that the ministers were not in their place with regard to each other. . . . I assured them that I did not for a moment doubt that the intentions of their cabinet were perfectly pure, and that we were pursuing the same object, though, as it appeared to me, unfortunately by different, if not opposite, means. That the British Government had long been endeavouring to awaken Spain to a sense of her real situation, by speaking to her plain truths, however unacceptable; that we had no concealment either from her or our allies, and were eager to make them all see where and in what degree we could come to her aid, and where we could not; that Russia on the contrary, appeared rather to hang back in her explanations, to deal very much in general and conciliatory assurances, and to be reluctant to avow to Spain the limited nature of the assistance the Emperor could afford to give her in her difficulties; the consequence was that the influence of Great Britain was counteracted, and rendered odious, without substituting anything in its room but false hopes, which must end in final disappointment, after a serious loss of valuable time.

I represented that instead of thwarting each other we ought to make Spain see at once the whole of her difficulties; that it was very probable the intervention we could afford to give would neither suit the taste nor the interests of Spain, but that it was better she should know this, and look to her own efforts, than be carried on under a delusive hope, either that the other Powers would do for her what England refused, or that England (which was impossible) should be made by their intervention to alter her deliberate course of policy.⁹

In spite of this exceedingly explicit declaration of policy, the Russian ministers refused to withdraw altogether from their position, and again suggested that the weapon of a commercial boycott should be used to bring the insurgents to terms. At this Castlereagh lost patience, and when the tsar returned from Brussels, where he had been reviewing the troops, he laid the whole question before him with even more frankness than he had used towards his ministers.

I took the first opportunity [he writes] to submit to H.I.M. the simple point upon which our differences with the other Plenipotentiaries turned;

⁹ Castlereagh to Bathurst, 24 November 1818, F.O., Continent.

that we held that we were not entitled to arbitrate or to judge between His Christian Majesty and his subjects, and as a consequence not competent to enforce any such judgement directly or indirectly; that we could only mediate or facilitate but not compel or menace; that the objection on our part was an objection of moral principle, not to be got over, and that, as the Prince Regent could not charge himself with the protection of these people, H.R.H. could not justify to his own feelings, even had he the means, the imposing upon them what might prove destructive to their safety.

Lastly, Castlereagh exposed the absurdity of expecting British ministers to acquiesce in the idea of a commercial boycott, and, even if their government consented, of the British people to submit to a measure 'which we were not in the practice of using against our bitterest enemy'.¹⁰

The tsar had no reply to make to this overwhelming assault. He admitted the weakness of his position, and Castlereagh urged him to make it clear to Spain that she could expect no help from the powers except that of avowedly friendly mediation. The Russian ministers were thus compelled by their sovereign to give way, and Russian support was withdrawn from Richelieu's paper. Wellington's reply politely refused to undertake the negotiation except on the British terms, and threw on Spain the onus of reopening the question.¹¹

The result of the conference was thus to force all the powers to accept the principles which Castlereagh had been advocating since 1812. The tsar had been compelled to disavow his policy of the past three years, and the ingenious plans of Pozzo and Tatistchev crumbled to pieces. Secure in the unwavering support of Austria and Prussia, Castlereagh made no concessions, but succeeded in this question (as indeed in every other discussed by this conference) in carrying out his instructions to the letter. Nor had he defended the policy of non-intervention merely on grounds of expediency. He had asserted it as a fundamental principle of British policy. It was an important precedent.

The disconcerting policy of the Russian government was now completely abandoned. How far it was ever intended seriously to press it is a matter difficult to determine. Castlereagh's own opinion was probably not far from the truth. He reviewed the

¹⁰ Castlereagh to Bathurst, 24 November 1818, F.O., Continent 36. The cabinet, which, in this as in other matters, took a more insular view than the foreign minister, would probably have gone even further than this. Liverpool was already prepared to grant recognition to those colonies which had made a formal declaration of independence (cf. Liverpool to Castlereagh, 9 November 1818, Wellington's *Supplementary Dispatches*, xii. 823). But Castlereagh had already taken his own line, and his policy was but little influenced by subsequent instructions from home.

¹¹ Wellington's *Suppl. Dispatches*, xii. 846.

whole question at the close of the conference in a private letter to Sir Henry Wellesley as follows :

My own impression is that neither Russia nor France have ever authorized any proposition whatever to be made to the Court of Madrid of a separate alliance ; that both may have been disposed to cultivate an influence at Madrid, I entirely believe, indeed that they themselves may have gone further than they were authorized, both negatively and positively in this line of policy. I believe also that they taught her to expect that they would ultimately embark us on a general negotiation, and finally manage our scruples, so as to procure for Spain some species of coercive affair. They have now lost a great deal of valuable time in misleading Spain, they find themselves incapable of doing anything alone. They find us always upon a principle, and neither to be shaken nor misled, and they are themselves not a little embarrassed how to wind up their own concerns with Spain, in doing which it is difficult for them to conceal from her their own want of means and penetration.¹²

At any rate Russia now tried to act with England, and to persuade Spain to accept her conditions, so that a joint mediation of the powers might be possible. Tatistchev, smarting under the reprimand administered by his court, worked loyally for this end.¹³ But the Spanish Camarilla could not be brought to face the facts. It still hoped to win back by force of arms the allegiance of the colonies, and continued to prepare the expedition that was to prove fatal to its own power. Nothing could be done, and matters remained as they were before.

But Castlereagh and his cabinet were still far from being ready to grant unconditional recognition to the insurgents. The Foreign Enlistment Act of 1819, a measure prescribed indeed by their duties as neutrals, but forced through an unwilling parliament in defiance of public opinion, showed how little real sympathy the tory government had with the rebels. Nor did Castlereagh cease his efforts to keep the United States in check. The conference at Aix-la-Chapelle had necessarily exposed his position,¹⁴ and as soon as its decision was known to the American cabinet recognition again became possible. But the American government still thought it safer to sound Great Britain, and to find out how far she was prepared to go. Adams expressed to Bagot, 'in a more formal manner than he had yet done', his wish to

¹² Castlereagh to Sir Henry Wellesley, 27 November 1818, F.O., Spain 209. An examination of Tatistchev's dispatches at Petrograd inclines me to think Castlereagh's opinion to have been substantially correct.

¹³ Wellesley to Castlereagh, 26 January, 4 February, 12 February 1819, F.O., Spain 223.

¹⁴ Gallatin, the ambassador of the United States at Paris, reported to Adams on 4 January 1819, 'I think that my efforts in preventing the interference of the European powers have been altogether useless; but the result is certainly due to Great Britain : ' Gallatin, *Writings*, p. 92.

open negotiations with Castlereagh for a joint recognition of the insurgent colonies ; and in March 1819 Rush informed Castlereagh that his cabinet had resolved to recognize the government of Buenos Ayres at no distant date, and invited the co-operation of Great Britain.¹⁵ Castlereagh refused, and in accordance with his previous policy endeavoured still to keep in the mind of the American ambassador the idea that a European intervention was yet possible.¹⁶ Bagot was able to report that this attitude had an important effect in checking the American government.¹⁷

Henceforward the colonial question takes a somewhat different shape, for it was the reviving power of Bourbon France rather than Russian intrigue that now threatened interference with British interests. The next attempt to thwart Castlereagh's policy came from France alone, and it was not without its effect in hastening the development of the final solution. France was by no means satisfied with the way affairs had been conducted at Aix-la-Chapelle ; and, now that her soil was free from foreign troops, the colonial problem seemed to provide, and especially to the ministers of a Bourbon king, an obvious means of re-asserting her position as an independent power.¹⁸ In the early part of 1819 Gomez, recently appointed agent to the government of Buenos Ayres, now apparently in a fairly settled condition, approached the French foreign office with proposals to found an independent monarchy. No mention of this offer was made to Castlereagh, but the tsar was immediately informed, and a joint negotiation with Spain proposed, France repudiating the idea that she wished to send out a Bourbon prince.¹⁹ Alexander, on the worst of terms with the new French ministers, refused the offer, and informed the British government that he had done so. Castlereagh showed no jealousy on this presentation of the facts, and even considered the possibility of acting with France to get the consent of Spain.²⁰ From the weak, divided, and altogether

¹⁵ Bagot to Castlereagh, 4 January 1819, Castlereagh, *Memoirs*, xii. 99 ; Castlereagh to Wellesley, 19 March 1819, F.O., Spain 222. Cf. Adams to Thompson, 20 May 1819 ; J. B. Moore, *Digest of International Law*, vol. i, § 35. This offer was, however, due to the American cabinet rather than to Adams, who never wished to act with Great Britain. Cf. Adams's *Memoirs*, v. 108.

¹⁶ So he told the Austrian ambassador : Esterhazy to Metternich, 23 February 1819 ; Vienna, Staats-Archiv.

¹⁷ Bagot to Castlereagh, 7 April 1819 ; Castlereagh, *Memoirs*, xii. 122.

¹⁸ For a general account of her activity in South America at this period see Schefer, *La France moderne et le Problème colonial*, pp. 229-36.

¹⁹ *Sbornik* of the Imperial Russian Historical Society, cxxvii. 82.

²⁰ Castlereagh to Wellesley, 24 September 1819, F.O., Spain 222. ' Sir Charles Stuart informs me that the French Government have actually invited the Court of Madrid to send a Spanish Prince to the Plata and that they have invited the concurrence of Russia. I know this to be true, but that the Emperor will not move except in concert with the other courts. I should wish to know your sentiments of the policy of a joint suggestion of such a measure. I believe it is the wisest measure they could

contemptible ministry of this latter power nothing could be expected, and the offer of France, which Portugal supported, was refused.²¹

In the next year, however, these negotiations, which seemed so harmless, suddenly appeared in a new light. Internal dissensions in the government of Buenos Ayres revealed to the world the true nature of the negotiations between their agent Gomez and the French government. Gomez had informed his government that Dessoles, the foreign minister, had suggested to him that the prince of Lucca, a Bourbon prince, should be invited to take up the burden of monarchy in the new world. A memorandum of Rayneval, the most important member of the permanent staff of the French foreign office, was included in the correspondence. The tone of this paper was bitterly hostile to English policy, and the whole affair was revealed as an attempt to outwit her in diplomacy, and extend French influence in South America.²²

The effect of this disclosure upon Castlereagh and his cabinet was immense, and English public opinion supported them. The English ambassador at Paris was ordered to demand immediate explanation.²³ Pasquier, who was now foreign minister, denied that any record of such a scheme existed in his office, but no convincing steps were taken to get Dessoles to deny his share in the plot, and some attempt was made to assert the right of France to act as she liked. The English government had at any rate no doubt of the substantial truth of the allegations, and Castlereagh was not slow in letting the European courts know what he thought of the affair. In a letter which was meant to be communicated to the Russian, Austrian, and Prussian courts he wrote :

The impression produced . . . in this country is equally serious and painful. What justification the French Government have to offer for this apparently hostile and mysterious intrigue is yet to be seen, but the present aspect of the transaction is most discreditable, inasmuch as the moment selected by France for breaking loose from the general European System, and from her relations with the Court of Madrid, appears to have been precisely that at which the British Government was performing a most irksome and embarrassing act of duty and good faith to the latter in that of passing the Foreign Enlistment Bill.²⁴

In an interview with the Russian ambassador he expressed adopt, but I have always thought that it was one of the last points upon which they would be induced to take counsel from Foreign States.'

²¹ Wellesley to Castlereagh, 18 October 1819, F.O., Spain 222.

²² *British and Foreign State Papers*, vi. 1085 ff. The correspondence was published in the *Morning Chronicle*.

²³ Castlereagh to Sir Charles Stuart, 5 July 1820, F.O., France 222.

²⁴ Castlereagh to Lord Stewart, 15 July 1820, F.O., Austria 148.

himself even more strongly. He made no secret of the fact that he believed that France had intended by force of arms to establish a Bourbon monarchy in the new world.²⁵

This incident had an immediate effect on the attitude of the English government towards the insurgents. Hitherto Castlereagh had never communicated directly with their agents, though he had allowed them to place their news informally before him through his secretary. He now sent for the Columbian envoy and took no trouble to conceal the fact. The foreign secretary entered into direct relations with the insurgents. It was a first step towards a policy of recognition.²⁶

Meanwhile in Spain the revolution had triumphed. As soon as the first news of the mutiny of the Cadiz forces reached England, Wellington decided that Spain had lost her last chance of recovering her empire.²⁷ It was possible, indeed, that the Spanish liberals might find it easier to come to terms with the insurgents, and arrangements were made for deputies to be elected to the new cortes by the people of South America. But it soon became apparent that the liberals were little more reasonable on this subject than the Camarilla, and the colonies showed no desire to make themselves dependent on the vagaries of the Madrid populace. But a significant change took place in the attitude of the great powers towards Spain. From the first moment that he heard the news of the Spanish revolution Alexander declared for intervention. The revolutions in Italy and Greece diverted his attention and made the situation infinitely more complicated, but the tsar never abandoned this project. In all the negotiations of 1820 and 1821, the Spanish question was always an important factor. At both Troppau and Laibach the possibility of intervention was seriously considered, and Ferdinand's secret appeals for help found the tsar not unmoved.²⁸

Castlereagh defined the position of Great Britain by the cabinet memorandum of 5 May 1820. The principles he had defended at Aix-la-Chapelle were asserted with a new emphasis. But the danger to Spain, though averted for the moment, was always felt by English statesmen to be present, and it added new

²⁵ Lieven to Nesselrode, 9/21 Juillet 1820, Petrograd, Foreign Office Archives. He reports Castlereagh as saying 'Ces informations nous sont tombées comme un coup de foudre . . . Telles que nos données nous représentent cette affaire, elle porte le caractère de la plus noire perfidie et forme assurément un exemple de duplicité et de mauvaise foi, inouï dans la politique de nos jours.' Pozzo did not believe the denials of Dessolles; cf. *Sbornik* of the Imperial Russian Historical Society, cxxvii. 430.

²⁶ Lieven to Nesselrode, 9/21 Juillet 1820, Petrograd, Foreign Office Archives.

²⁷ 'Their colonies must now be considered as lost': Wellington to Beresford, 12 February 1820, *Wellington Dispatches*, second series, i. 98.

²⁸ That at Troppau Alexander was thinking as much of the Spanish Revolution as of the Neapolitan one is proved by a vast amount of evidence, e.g. see his correspondence with Richelieu in the *Sbornik* of the Imperial Russian Historical Society, liv.

motives for the recognition of the independence of the colonies. It was, of course, obvious from the outset that England would never tolerate interference with Spain, if that was also to give a right to interfere with the Indies. It was just at this critical time that the position of the tory government was shaken by a domestic crisis. The miserable affair of the divorce made it necessary for the government to devote most of its energy to self-preservation. It lost not merely the confidence of the country, but also that of the Crown, and until the end of the year 1821 its position was never secure and the king was never completely reconciled to the prime minister. Foreign policy was of course seriously affected by this incident, and much of the weakness and vacillation shown in this period must be attributed to it. Castlereagh was especially concerned. He saved the cabinet, but only by a struggle that cost him his reason and his life.

In such circumstances little could be done to solve the colonial problem. The Spanish government proved itself almost as incapable as that of the most absolute monarchy. Its relations with Great Britain were embittered by interminable disputes on commercial matters, and public opinion in this country grew steadily in favour of recognition. Despite the Foreign Enlistment Bill, arms and money were sent across the Atlantic in increasing quantities. This situation, moreover, affected the policy of the United States. It was becoming clear that the European powers were divided in opinion. For some time Adams was hampered by the refusal of Spain to ratify the Florida Treaty, and this certainly helped to delay recognition. But his opponents were growing stronger. In May 1820 Henry Clay, rather unexpectedly, carried a motion in congress in favour of recognition, and Adams had some difficulty in holding his cabinet back until such a step should be quite safe. The presidential messages to congress grew more and more favourable to the insurgents, and at last, in December 1821, the president declared his intention to act immediately, and in the spring of the next year the representative of Buenos Ayres was received at Washington.

Castlereagh, meanwhile, was mainly occupied with the complicated and dangerous problems of the near east. The Hanover interview at last restored the confidential relations between the Austrian and British governments, which had been somewhat in abeyance since Troppau and Laibach. Castlereagh and Metternich were united in opposition to the tsar, and the policy of both was made firmer. In December 1821, also partly as a result of the Hanover interview, the position of the cabinet grew easier, and the king was reconciled to his prime minister. Thus, as the moment for action in the Spanish question grew nearer, Castlereagh was able to prepare to meet the crisis. He knew that

Ferdinand was secretly urging the tsar to interfere, and that as France grew more and more royalist her foreign policy was likely to be more vigorous. The recognition by the American government stirred him to action, and he began his preparations for a final settlement in the interests of his own country.

Castlereagh now returned to principles which he had laid down as long ago as 1807.²⁹ As secretary of war he was then called upon to consider the possibility of English interference in South America. In a remarkable memorandum, as concise as it was cogent, he had shown the absurdity of a policy of conquest. But there also he had maintained for the first time the view that it was not good policy to allow democratic and revolutionary governments to be set up in the new world, and he had suggested the plan of endeavouring to establish there monarchical institutions. To this plan he seems now in tentative fashion to have returned. If it were adopted, South America would be united with the old world rather than with the United States, and a tory government would not have to submit to the painful necessity of recognizing republicanism. With slow and cautious steps, therefore, he began to prepare the way for some move in this direction. He was forced into action by a note from Zea, the Columbian agent in Paris, to the English ambassador, which categorically demanded recognition.³⁰ Sir Charles Stuart refused to accept the note, but Zea's relations with the opposition in England were such that it was clear that an embarrassing discussion would ensue in Parliament.³¹ It was doubtful if Castlereagh could carry a simple refusal of recognition, in view of the increasing clamour of the whole of the commercial community. Yet neither Castlereagh nor his cabinet were prepared to recognize *republican* states in the new world.³² In these circumstances, therefore, the government decided to take a middle course. They avoided an immediate decision on the political question, but resolved to alter the navigation laws, so that the protests of the commercial community would be for the moment silenced, or at least rendered harmless. Meanwhile Castlereagh initiated discussions with France, and then with the other European governments, as to further and more decisive steps.

The French were now represented in London by Chateaubriand, and it was to him that Castlereagh first confided the nature of his new plans. As soon as the presidential message reached this country from the United States, Castlereagh made it the

²⁹ Memorandum of 1 May 1807, *Castlereagh Memoirs*, vii. 314.

³⁰ Stuart to Castlereagh, 11 April 1822, F.O., France 269.

³¹ Lieven to Nesselrode, 29 Mai/10 Juin 1822, Petrograd, Foreign Office Archives.

³² It may be noted also that in a speech made on 18 May 1822 Canning declaimed against the political recognition of republics in the new world.

excuse for opening discussion with the French ambassador. Chateaubriand remarked on the dangers to the world if the number of republican states were increased. Castlereagh cordially agreed, and said, 'Quant à nous, nous ne sommes nullement disposés à reconnaître ces gouvernements révolutionnaires'.³³ Chateaubriand was not certain of the sincerity of this phrase, but the key to Castlereagh's meaning lay in the last word in the sentence. It might be possible to recognize governments which purged themselves of the stigma of revolution by adopting monarchical institutions.

This preliminary discussion was soon followed by more definite proposals. On Sunday, 5 May, Castlereagh had another interview with Chateaubriand in which he proposed to open negotiations with the French government on the whole problem, on its political as well as its commercial aspects. The commercial interests of both countries, he said, demanded freedom of trade with the colonies, and England was determined to open her ports to their flag, and to send out commercial agents to watch her commerce. 'Quant à l'intérêt politique,' Chateaubriand's report continues,

Lord Londonderry suppose que les personnes qui dirigent aujourd'hui les affaires de la France n'ont aucune envie de voir se multiplier les gouvernements révolutionnaires. Le gouvernement de Sa Majesté britannique n'aime pas davantage ces gouvernements et ne les reconnaîtra que le plus tard possible; mais pourtant il arrivera un moment où l'on ne pourra plus reculer, et c'est le moment qu'il faut prévoir.

In these circumstances Castlereagh proposed that the two governments should take into consideration the whole problem, and he promised not to commit himself in his negotiations with Zea, the Columbian agent, now on his way to London, until he heard from Paris. The French ambassador urged his court to accept a proposal which was so much in accord with his own policy and principles.

Si l'Europe est obligée de reconnaître les gouvernements de fait en Amérique [he wrote], toute sa politique doit tendre à faire naître des monarchies dans le Nouveau Monde, au lieu de ces républiques qui nous enverront leurs principes, avec les produits de leur sol.³⁴

But the French government, in spite of, or perhaps because of, the opinion of their own ambassador, rejected quite definitely

³³ Chateaubriand to Montmorency, 12 April 1822, Paris, Archives des Affaires Étrangères. Almost the whole of Chateaubriand's correspondence from London is now available in the Comte d'Antioche's *Chateaubriand, Ambassadeur à Londres*. A few passages only are given in the *Mémoires d'Outre-Tombe*.

³⁴ Chateaubriand to Montmorency, 7 May 1822, Paris, Archives des Affaires Étrangères, in Antioche, *op. cit.*, p. 264 ff.

this overture. The difficult relations between France and Spain made it impossible for Montmorency to agree to admit the vessels of the insurgents to her ports.³⁵ Castlereagh received the answer with calmness. He assured Chateaubriand that he would not act precipitately and that he would only receive Zea as a private individual and wait for further information before he took any further measures towards political recognition.³⁶ Commercial recognition, however, he was preparing now to grant, though in an unobtrusive and informal manner. The enlightened mind of Wallace had already seen the necessity of altering the navigation laws, and bills were already in process of preparation to grant to other countries some of the privileges which the United States had already wrung from this country.³⁷ Castlereagh now informed both the Spanish and Russian ambassadors that one of these bills would admit the ships of the insurgents to English ports, in return for similar concessions on their part. Further, he informed Lieven that he had decided to send British agents to South America, but that they were to be commercial and not political agents, and their main duty was to be the collection of evidence as to the exact situation in that continent. This was obviously a step towards full recognition, and though Spain was informed that no further action would be taken without first communicating with her, no doubt could be left that this could not be long delayed, whatever the form of it was to be.³⁸ Indeed, when on 20 May Wallace introduced the bills to the house of commons committee, he made no secret of the fact that recognition was probably not far distant.³⁹

These alterations in the traditional policy of Great Britain were on the whole favourably received both by parliament and the country. The concessions to the revolted colonies were universally approved, and, however they might be explained away to the foreign ambassadors, they clearly demonstrated the trend of British policy. The arrival of the Columbian envoy in this country increased the agitation for full recognition. On 25 July a resolution was moved in the house of commons for the production of all the correspondence with the Columbian republic. Castlereagh's reply was entirely non-committal, but he was obviously influenced by the growing agitation in the country.⁴⁰ On 10 July Zea had been given a dinner in the city at which the

³⁵ Montmorency to Chateaubriand, 13 May 1822, Paris, Archives des Affaires Étrangères, in Antioche, p. 269 ff.

³⁶ Chateaubriand to Montmorency, 21 May 1822, in Antioche, *loc. cit.*

³⁷ Spencer Walpole, *History of England since 1815*, ii. 84; *Annual Register*, 1822.

³⁸ Londonderry to Onis, 28 June 1822, F.O., Spain 262. In May Onis had appealed to Great Britain against the political recognition of the Spanish colonies by the United States.

³⁹ Hansard, viii. 717.

⁴⁰ Hansard, 23 July 1822.

duke of Somerset took the chair and Wilberforce and other important people were present. There could be no doubt that a policy of recognition would be immensely popular.⁴¹

Castlereagh was now in the midst of his negotiations for the approaching conference of the great powers at Vienna. His thoughts were mainly occupied with the East, but he was well aware of the danger of French intervention in Spain, and he could not be insensible of the difference that this might make to the colonial question. Most important of all was the fact that the United States had at last committed themselves. In such circumstances commercial privileges did not seem sufficient to protect British interests. How much further was Great Britain to go? Castlereagh's task was rendered all the more difficult by the fact that he did not know until almost the last minute whether he would be allowed to proceed himself to the congress or not. It is not surprising therefore that the record of the instructions which we possess should leave the exact method of procedure rather vague. They assert indeed that the question may be considered already settled ('the whole may be considered rather as a matter of time than of principle'), and they explain that Great Britain has already given *de facto* recognition to those colonies in which the struggle against Spain may be considered as settled. But the practical question as to how much further the powers ought to go is left open. The instruction ran:

The practical question then is—How long should the *de facto* system of recognition be maintained to the exclusion of the diplomatic, and when should the latter be adopted? Some of the cases where the adoption of such a change would be positively objectionable, have already been stated. To these may be added the propriety in many others, if not the necessity, of a previous explanation with Spain and our allies. With the former certain communications have already taken place. It will be the duty of the British plenipotentiary to enter into discussion with the Allied cabinets endeavouring, as far as possible, to bring them to the adoption of common sentiments but taking care, in every alternative, to leave to the British government an independent discretion to act according to circumstances.⁴²

Castlereagh thus left for himself considerable latitude. Had he been present at the conference there can be no doubt that its issue would have been vastly different from what it actually was. Wellington was entirely unable to cope with the delicate situation that arose, and Metternich was left alone to face a Chauvinist France, urged on by the calculating policy of the

⁴¹ The ambassadors of the principal powers were invited and were much embarrassed as to how they should reply.

⁴² *Wellington Dispatches*, 2nd series, i. 287. I have not discovered any copy of these instructions in the Record Office.

tsar. Whether Castlereagh would have been successful in checking French and Russian ambition without abandoning British principles of non-intervention will always be uncertain, but he had been carefully preparing his position. Probably he would have made some attempt to secure the recognition of monarchical governments in the new world. In any case, had he not broken down under the strain which for ten years he had unceasingly endured, it would have been made clear to posterity, not only that he was determined to recognize the independence of the new nations, which had come into existence, but that he had already before his death secured for them commercial recognition—a fact which historians have been so slow to realize.

C. K. WEBSTER.

Notes and Documents

The Law of Breteuil

THE question how far foreign examples influenced English municipal law is one that has interested students for many years : in her well-known articles on the Laws of Breteuil in this Review¹ Miss Bateson has taken up the position that many of the smaller towns in England, Wales, and Ireland were very greatly influenced by the customs of the obscure Norman bourg of Breteuil : in concluding the essay on Foreign Parallels in my *British Borough Charters* I ventured an opinion that English municipal law was more advanced than that of the Continent. The two positions are not necessarily inconsistent, as it may have been that English municipalities adopted foreign customs and improved on them ; but the publication of Dr. Hemmeon's book on *Burgage Tenure in Medieval England*, with its criticism of some of the clauses in Miss Bateson's list of the customs of Breteuil, reopens the whole question, and calls for a re-examination of the evidence.

First, however, it should be noticed that the influence of one borough on another can be established in three ways : by a direct grant of the customs and privileges of the exemplar, or by the grant to one borough of a charter copied from that of another borough, or by the inclusion in the charter or custumal of one or more clauses that are found in an earlier charter. But with regard to the second method, it will often be found that the derived charter differs considerably from its exemplar : thus in 1200 the burgesses of Cambridge paid a fine of 250 marks that they might have a charter according to the tenor of the charter of Gloucester ;² but the charter which they obtained contained no mention of the liberties of Gloucester, and was a copy of the Gloucester charter of 1200, with one additional clause and with the omission of three clauses which were contained in the Gloucester charter, which, in its turn, was a modified copy of the London charter of 1155. Examination of the British municipal charters, especially those of the thirteenth century, emphasizes their patchwork character, of which a good example is the Hereford charter of 1215 ; of its eight clauses, two were

¹ Vols. xv, xvi.

² *Rot. de Oblatis*, 99.

taken from a Dunwich charter of the same year, one from the Oxford charter of 1156, a fourth is based on a similar clause in a Dunwich charter of 1200, and a fifth is repeated from a charter granted to Hereford itself in 1189.³ In its turn, this Hereford charter became the foundation of the charters to fifteen or sixteen boroughs in North Wales and also of those to Berwick-on-Tweed and Drogheda.

We may proceed to consider the evidence relating to the laws of Breteuil, which is threefold: (A) the statements of Domesday Book, (B) the customs of those boroughs whose customs are professedly based on those of Breteuil, whether by direct grant or otherwise, (C) the customs of those boroughs whose charters or custumals contain any clause that can be proved to be distinctively Bretollian.

(A) The statements of Domesday Book are very precise; of Rhuddlan it says:

Ipsis Burgensibus annuerunt leges et consuetudines quae sunt in Hereford et in Breituil, scilicet quod per totum annum de aliqua forisfactura non dabunt nisi xii denarios, preter homicidium et furtum et Heinfar precognitam.⁴

The Hereford record runs:

Rex vero habebat in suo dominio tres forisfacturas, hoc est pacem suam infractam, et heinfaram et forestellum. Quicumque horum unum feicisset, emendabat c solidis regi cuiuscunque homo fuisset.

Modo habet rex civitatem Hereford in dominio et anglieci burgenses ibi manentes habent suas priores consuetudines. Francigene vero burgenses habent quietas per xii denarios omnes forisfacturas suas preter tres supradictas.⁵

Here, then, we have one indubitable Bretollian custom, the limitation of the amercement to 12*d.* for all offences, with certain specified exceptions. Where this is found, Bretollian influence can be regarded as proved; where it is wanting, other evidence must be sought. But the adoption of this criterion rules out the use of one of the authorities on which Miss Bateson most relies, the Verneuil charters, for these charters, instead of providing for one general amercement, with certain exceptions, as can be found at Soissons⁶ and Orleans,⁷ set forth a long schedule of offences with their appropriate penalties, which can be abstracted as follows:

§ 5. Discord and affray between burgesses: for first offence a fine of 12*d.*, but if there were bloodshed, a fine of 109 sous; for second offence, a fine of 60 livres or loss of fist.

³ *British Borough Charters*, ch. xiv.

⁴ *Domesday Book*, i. 269 a 2.

⁵ *Ibid.*, 179 a 1.

⁶ *Ordonnances des Rois de la Troisième Race*, xi. 219.

⁷ *Ibid.*, p. 227. The limits were 5 sous and 60 sous respectively.

- § 6. For discord and affray on days of pleas or markets, a fine of 60*d.* of Mantes.
- § 18. For assault on the pretor during pleas, a fine of 12*d.*
- § 19. Neglect to answer pretor's summons, a fine of 12*d.*
- § 20. Assault in the presence of the pretor during pleas, a fine of 60 livres or loss of fist.
- § 21. Assault on a man in his own house, a like penalty.
- § 22. Seizure of land or goods of another, fine 12*d.*
- § 23. Seizure of roads or boundaries, a fine of 60 sous.⁸

It is obvious that a nicely regulated scale of offences and penalties like the above is very different from the simple provision limiting the amercement to a definite sum in all cases, with a few exceptions, and that in this point the Verneuil charters differ from the law of Breteuil. Similarly we shall decline to find traces of the influence of Breteuil in charters providing the shilling amercement for specified offences only, and not as a general rule, as Manchester, Salford, and Stockport.⁹

(B) Miss Bateson gives a list of eighteen boroughs whose customs, whether by direct grant or otherwise, were based on the laws of Breteuil—Hereford, Rhuddlan, Shrewsbury, Netherwear, Bideford, Drogheda (Meath), Drogheda (Louth), Rathmore, Ludlow, Dungarvan, Chipping Sodbury, Lichfield, Ellesmere, Burford (Salop), Ruyton, Welshpool (with its derivative, Llanvyllin), and Preston. To these she adds eight suspected cases—Stratford-on-Avon, Trim, Kells (Meath), Duleek, Old Leighlin, Cashel, Kilmeaden, and Kilmaclenan—all of which I am prepared to accept.

(C) Prior to 1216 there were seven boroughs whose charters, although they contained no reference to Breteuil, were nevertheless influenced by the laws of that town, as is shown by their incorporation of a clause limiting the amercement to 12*d.* for all offences with certain exceptions—Pembroke, Swansea, Coventry, Okehampton, Haverfordwest, Frodsham, and Leek. At Bideford, where there was an express grant of the laws of Breteuil, the amercement was limited to 6*d.* for all offences, and the same limit is found at Bradninch and Lostwithiel, and therefore these two may be added to the former seven.

When we examine the charters and customals contained in the last two classes, we find ourselves hampered by the possibility that these documents may be of a patchwork nature: in fact, the first four clauses of the Preston customal are verbally the same as the corresponding clauses in the Hereford charter of 1215, and of them one clause is taken from the Oxford charter of 1156 and the others from the Dunwich charters.

In vol. xv of this Review, pp. 754–7, Miss Bateson printed

⁸ *Ordonnances des Rois de la Troisième Race*, iv. 639–40.

⁹ Tait, *Medieval Manchester*, pp. 79, 86, 89.

her reconstruction of the laws of Breteuil: let us print here a list of the short titles of each clause in her draft, adding to it the evidence that can be adduced for each clause, and differentiating this evidence into classes B and C (as above), and providing also further evidence showing where similar clauses are found in the charters of (D) the hundredal boroughs of Domesday, (E) other British boroughs, and (F) the towns of northern France.¹⁰

1. Rent of the burgage to be 12*d*.¹¹

B.	C.	D.	E.	F.
Drogheda	Swansea		Cardiff	Verneuil (i. 3)
(Meath)	Okehampton		Tewkesbury	Beaumont-en-
Rathmore	Frodsham		Pontefract	Argonne (1)
Bideford	Leek		Swords	Beaumont-sur-
Stratford-			Burton-on-Trent	Oise (24)
on-Avon			Walsall	Charot (7)
			Wells	
			Ayr	
			Kilkenny	
			Kells (in Kilkenny)	
			Inistioge	

2. Area of burgages.¹²

B.	C.	D.	E.	F.
Preston	Swansea		Burton-on-Trent	
Stratford-on-Avon				
Drogheda (M.)				

3. Divided burgages.¹³

B.	C.	D.	E.	F.
			Cardiff	Verneuil (ii. 1)
			Tewkesbury	
			Pontefract	

4. Admission of burgesses at court.¹⁴

B.	C.	D.	E.	F.
Preston	Haverfordwest		Pontefract	Verneuil
Hereford				
Bideford				

¹⁰ The evidence for the British examples of the clauses in the draft *custumal* are to be found either in Miss Bateson's articles, or in the pages of my *British Borough Charters*, cited in footnotes, and I have added a few references to her *Borough Customs* for evidence which is not found elsewhere. Except those which contain specific grants of the laws of Breteuil, I have quoted no charters or *custumals* later than 1216: Miss Bateson refers to the charters to Carmarthen and Laugharne, which are both later than that date, and are copied from one of the Haverfordwest charters. The authorities for the French charters are given on pp. cvi and cvii of my book, and the figures in parentheses denote the particular clause that is quoted.

¹¹ *British Borough Charters*, 46-50.

¹² *Ibid.*, 51.

¹³ *Ibid.*, 102.

¹⁴ *Ibid.*, 111.

5. No external pleas.¹⁵

B.	C.	D.	E.	F.
Hereford	Haverford-	London	Newcastle-	Verneuil (i. 3)
	west	Cambridge	upon-Tyne	Amiens (1190, 34)
	Swansea	Leicester	Bury St. Ed-	Rouen (1150, 6)
	Pembroke	Oxford	munds	Lorris (1155, 8)
	Coventry	Bristol	Truro	Beauvais (1183, 16)
	Okehampton	Bedford	Cardiff	Roye (21, 29)
	Lostwithiel	Marlborough,	Egremont	Beaumont-en-
		&c.	Eynsham, &c.	Argonne (25), &c.

6. Military expedition to return the same day.¹⁶

B.	C.	D.	E.	F.
Preston	Haverfordwest			Lorris (1155, 3)
	Swansea			Sées (7)
	Pembroke			Beaumont-en-
				Argonne (54), &c. ¹⁷

7. No arrest if bail can be found.¹⁸

B.	C.	D.	E.	F.
Preston	Haverfordwest		Kells (Kil-	Verneuil (ii. 9)
Welshpool	Swansea		kenny)	Lorris (1155, 16)
				Bourges (1181, 3)
				Poitiers (3), &c.

8. Possession for year and day.¹⁹

B.	C.	D.	E.	F.
Preston	Haverford-	London ²⁰	Newcastle-	St. Omer (1128, 24)
	west	Lincoln	upon-Tyne	Beauvais (1182, 17)
	Pembroke	Nottingham	Bury St.	Chaumont (1182, 10)
			Edmunds	Noyon (1181, 13)
			Pontefract	Rheims (5)
			Egremont	Pontoise (11)
				Beaumont-en-
				Argonne (24)

9. Freedom by year and day.²¹

B.	C.	D.	E.	F.
Preston	Pembroke	Lincoln	Newcastle-	Lorris (1155, 8)
Hereford ²²	Haverford-	Nottingham	upon-Tyne	Roye (1183, 3)
Ruyton	west	Dunwich	Egremont	Arras (39)
Welshpool				Braye (12)

¹⁵ *British Borough Charters*, 115-21.¹⁶ *Ibid.*, 89.¹⁷ The Verneuil custom provides for the attendance of the burgesses when the king is actually serving, and it would seem that, so long as the king was present, there was no limit to the distance to which they were obliged to go: *British Borough Charters*, p. cxi.¹⁸ *Ibid.*, 140.¹⁹ *Ibid.*, 71.²⁰ *Borough Customs*, ii. 89.²¹ *British Borough Charters*, 103.²² The Hereford clause is taken from the Dunwich charter.

10. Building burgages.²³

B.	C.	D.	E.	F.
Preston	Haverfordwest		Egremont	
Hereford				

11. Dues on sales.²⁴

B.	C.	D.	E.	F.
Preston			Pontefract Whitby	Beaumont-en-Argonne (10)
			Egremont	Beaumont-sur-Oise (25)
			Eynsham	Verneuil (ii. 34)

12. Liberty to sell burgages.²⁵

B.	C.	D.	E.	F.
Bideford	Swansea	Leicester	Newcastle-upon-Tyne	Étampes (1179, 1)
Rhuddlan	Haverfordwest	Dunwich	Burford (Oxon)	Beaumont-en-Argonne (2)
Hereford ²⁶	Leek	Northampton ²⁷	Wells	
	Lostwithiel	Torksey ²⁷	Cardiff	
	Okehampton		Egremont	
	Bradninch		Eynsham, &c.	

13. Kin's pre-emption allowed.²⁸

B.	C.	D.	E.	F.
Preston	London ²⁹		Bury St. Edmunds	
	Northampton ²⁹		Cardiff	
	Lincoln ²⁹		Tewkesbury	

14. Shilling amercement for assault without bloodshed.

B.	C.	D.	E.	F.
Preston				Verneuil

15. Assault with bloodshed. Payment of leech fee.

B.	C.	D.	E.	F.
Preston				Verneuil Laon

16. (a) Purgation *sola manu*.

B.	C.	D.	E.	F.
Preston				Verneuil

Other French charters allow purgation *sola manu* if the accuser has no witnesses, e.g. Lorris (32), Amiens (30), Beaumont-en-Argonne (15).

²³ *British Borough Charters*, 50.

²⁵ *Ibid.*, 64.

²⁷ *Ibid.*, ii. 90-2.

²⁹ *Borough Customs*, ii. 61-3.

²⁴ *Ibid.*, 70.

²⁶ *Borough Customs*, ii. 90.

²⁸ *British Borough Charters*, 69.

(b) Purgation *tertia manu*.³⁰

B.	C.	D.	E.	F.
Preston			Pontefract	Verneuil

17. (a) The amercement limited to 12*d.* for all offences, with specified exceptions.³¹

B.	C.	D.	E.	F.
Preston	Pembroke			
Hereford	Swansea			
Rhuddlan	Coventry			
Drogheda (L.)	Haverfordwest			
	Frodsham			
	Leek			
	Okehampton			

(b) A like limitation to 6*d.*

B.	C.	D.	E.	F.
Bideford	Lostwithiel Bradninch			

18. Loss of fist for assault on reeve.

B.	C.	D.	E.	F.
Preston				Verneuil

The Hereford custumal says that this penalty was abolished in that city during the reign of William I; but the Montgomery copy gives the name of Edward II instead of William I.³²

19. Delivery of debtor's house to creditor.

B.	C.	D.	E.	F.
				Verneuil

20. Demolition of house for arrears of rent or debt unpaid.

B.	C.	D.	E.	F.
Preston				Verneuil

21. No summons on market day.

B.	C.	D.	E.	F.
Preston				Verneuil

At Nottingham, distraint,³³ and at Étampes, arrest, were forbidden on market day.

22. Burgess excused attendance on magistrate after sunset.

B.	C.	D.	E.	F.
Preston				Verneuil St. Quentin (16)

³⁰ *British Borough Charters*, 138.

³¹ *Ibid.*, 153.

³² *Borough Customs*, ii. 25.

³³ *British Borough Charters*, 164.

23. Wife and children to succeed to chattels of intestate.³⁴

B.	C.	D.	E.	F.
Preston	Okehampton		Cardiff Eynsham	

The clause in the Haverfordwest charter of 19 Edw. I (quoted by Miss Bateson) first appears in English charters about 1257.

24. Liberty of marriage.³⁵

B.	C.	D.	E.	F.
Preston	Okehampton Lostwithiel	Bristol Dunwich Marlborough	Tewkesbury Kilkenny	Laon (18) Bourges (8) Caen Poitiers

25. Limitation of lord's credit.³⁶

(a) Forty days.

B.	C.	D.	E.	F.
Preston	Bradninch		Egremont Kilkenny Kells (K.)	

(b) One quarter.

B.	C.	D.	E.	F.
Trim ³⁷				Soissons, 1081 (1)

(c) Till security is given.

B.	C.	D.	E.	F.
	Coventry			

26. Leave to take wood from forest.³⁸ This clause is so common that it is needless to give examples.

27. Freedom from toll in lordship.³⁹

B.	C.	D.	E.	F.
Bideford	Haverfordwest			

This is one of the commonest clauses in all British charters granted by mesne lords.

28. A clause fixing multure.⁴⁰

B.	C.	D.	E.	F.
Preston	Haverfordwest		Egremont Elvet	Beaumont-en-Argonne (6)

29. Liberty of ovens.⁴¹

B.	C.	D.	E.	F.
Bideford	Haverfordwest		Newcastle-upon-Tyne Cardiff Tewkesbury	Verneuil (i. 9)

³⁴ *Ibid.*, 74.³⁵ *Ibid.*, 87.³⁶ *Ibid.*, 52.³⁷ *Ibid.*, 96.³⁸ *Ibid.*, 76.³⁹ *Ibid.*, 235.⁴⁰ *Ibid.*, 191.⁴¹ *Ibid.*, 96.

30. Liberty to take toll.⁴²

B.	C.	D.	E.	F.
Preston				Verneuil

This liberty was implied in the grant of a market and must have been very common.

To Miss Bateson's thirty clauses there are two others that may be added with more evidence than many of those that she has included.

31. The relief on sale or succession to a burgage is limited to 12*d.*⁴³

B.	C.	D.	E.	F.
Bideford	Okehampton		Kells	
Hereford	Lostwithiel			
	Bradninch			
	Haverfordwest			

32. From the *Abbreviatio Placitorum*⁴⁴ we learn that at Lichfield it was successfully pleaded that by the law of Breteuil the *assize mortis antecessoris* could not be held in the city.

The evidence for these thirty-two clauses will repay careful consideration : one (17) is proved to be Bretollian by the evidence of Domesday, and a second (32) by that of the *Abbreviatio Placitorum* ; a third (6) is found only in those boroughs whose customs are avowedly based on the laws of Breteuil or contain the twelve-penny or sixpenny amercement ; a fourth and a fifth (7, 31) would fall into the same class as the third but that they are also found at Kells (co. Kilkenny). Of the remainder, one (19) is found only at Verneuil, six and a half (14, 15, 16*a*, 18, 20, 21, 22) are found only at Preston or at Preston and Verneuil, leaving nineteen and a half which are common to two classes of boroughs ; on the one hand, those whose customs are either avowedly based on those of Breteuil or show indubitable signs of Bretollian influence, and, on the other hand, those whose charters do not contain the indubitable Bretollian clauses. It has been noticed that of these thirty-two clauses six and a half are found only at Preston or at Preston and Verneuil ; it is hard to discover any reason why Miss Bateson should select these six as Bretollian rather than any of the other clauses in the Preston custumal which are not found elsewhere in England, e.g. clause 26, dealing with fires in kilns ; 41, penalties for coining ; 45, excusing the burgess from a duel with a hired champion ; and 48, the *captio per nasum*. No. 45 can be paralleled at Étampes 1179 (29), Rouen 1150 (6), and Amiens 1190 (17).

In dealing with the common clauses, that is, with those that

⁴² *British Borough Charters*, 176.

⁴³ *Ibid.*, 76.

⁴⁴ p. 102, quoted *ante*, xv. 315.

are common to Bretollian and non-Bretollian documents, what we have learnt of the patchwork character of many charters and custumals will save us from making two unwarranted assumptions. On the one hand, we shall avoid the assumption that because these clauses appear in Bretollian documents they are indubitable signs of Bretollian influence; on the other hand, we shall be equally on our guard against the assumption that, because they are found in non-Bretollian documents, they are indubitable signs of non-Bretollian influence. And these warnings are the more necessary because Miss Bateson and her followers treat the shilling rent as indubitable evidence of Bretollian influence: certainly it is found in three of the nine charters granting the laws of Breteuil, in one of the suspected cases, and in four of the seven charters providing for the shilling amercement, and it is possible that the laws of Breteuil did provide for a shilling rent; in passing it may be noted that at Bradninch and Lostwithiel the rent was sixpence, the same as the amercement. But we have eleven other charters, prior to 1216, providing for the shilling rent: at Newport (Isle of Wight) the rent was 12*d.*, but the amercement was limited to 30*d.*; at Kilkerny and Kells the amercement for minor offences, such as offences against the assize of bread, was reduced to one shilling, because a moiety of the nominal penalty was pardoned to offenders; similarly at Inistioge the nominal shilling was reduced to 6*d.* At Pontefract the amercement was fixed by a jury of twelve lawful men, and the other charters contain no evidence as to the amount of the amercements; all the French examples of the shilling rent are coupled with long lists of fines, such as we have seen at Verneuill. So that the shilling rent is found in places where the general amercement is not fixed at 12*d.*, and therefore it cannot be indubitable evidence of Bretollian influence, even at places where there may be specific offences for which the fine is a shilling.

But although the evidence of the documents forbids any expression of an opinion as to the origin of the common clauses, there is one question which demands an answer, whether there is any reason why, when the various lords granted these common clauses, or any of them, to their boroughs in Class E, they should be considered to be acting under the influence of Breteuil, although, as it were by common consent, they omitted from their grant the three indubitable clauses. To put the question in a concrete form, our eighth clause, providing for the acquisition of a title to burgages by possession for a year and a day, is found in the London *Libertas* of Stephen's reign:⁴⁵ when it is found in any custumal, why should it be attributed to the influence of Breteuil rather than to that of London? And this question

⁴⁵ Liebermann, *Gesetze*, i. 674.

opens a far wider matter: what evidence is there of continental influence, other than the very slightest, on English municipal charters and customs?

I dealt very slightly with this question in the last supplemental essay to my *British Borough Charters*, and there said that a comparison of contemporary charters from England and northern France 'showed many resemblances and as many differences';⁴⁶ but in this I was wrong. The differences far outnumber the resemblances, and it is surprising that the points of contact are so few. Most of the French charters contain many clauses detailing the punishments and fines for various offences; let us omit such clauses from consideration and compile a short table showing the number of parallel clauses in a few important charters.

<i>Charter.</i>	<i>Total number of clauses.</i>	<i>Number which can be paralleled in English charters.</i>
Amiens 1190 . . .	52	5
Tournai 1189 . . .	30	1
Rouen 1151-2 . . .	25	5
„ 1174-5 . . .	6	2
Roye 1183 . . .	55	4
Soissons 1081 . . .	20	1
Mantes 1150 . . .	10	1
St. Omer 1122 . . .	21	1
Lorris 1155 . . .	35	9

The English charters are much shorter than those of France, but a similar table for some English charters shows almost the same results.

<i>Charter.</i>	<i>Total clauses.</i>	<i>Parallel clauses.</i>
London 1131 . . .	15	2
Egremont c. 1202 . . .	30	11
Lostwithiel 1190-1200 . . .	12	5
Newport (I. of W.) 1177-84 . . .	7	3
Okehampton 1194-1243 . . .	17	6
Pembroke 1154-89 . . .	18	6
Winchester 1155-8 . . .	5	1
Lincoln 1157 . . .	5	2
Oxford 1156 . . .	6	1

Evidently there were a few points of law which were common to the municipalities of England and northern France, and the most important of these are included in the common clauses enumerated above, but the peculiarities in both countries were

⁴⁶ pp. cv, cvi.

very noticeable. Among the French peculiarities were the sworn commune, the private warfare of communes against the enemies of the communes, the allowance of the *lex talionis*, the destruction of an offender's house, and the generality of trial by battle; peculiar to England were freedom from toll throughout the king's dominions, the power to make reprisals for toll illegally taken, the power to secure the attendance of non-burgesses at the borough court by distraining on their goods or on those of their neighbours, and the prohibition of trial by battle. Occasionally a French peculiarity appears in England: the punishment of an offender by the destruction of his house is found in the Cinque Ports and a few other places; and on the other hand, Henry II granted to his burgesses of Rouen freedom from toll throughout all his dominions on both sides of the sea; but such exceptions are very few. As much emphasis must be laid on the differences as on the resemblances; and if it be contended that the common clauses were borrowed by one country from the other, we are entitled to ask why the borrowing country was not equally affected by the peculiar customs of its exemplar.

To this question there is one obvious answer: each nation worked out its own municipal ideas in its own way; and the special circumstances of each country account for the peculiarities. It has been argued elsewhere that the limited authority of the kings of France accounts for the fact that in the twelfth century none of them ever granted the privilege of freedom from toll throughout France to the burgesses of any town.⁴⁷ I have also argued that the existence of a strong borough court in England at which all the burgesses were justiciable prevented the adoption in this country of the sworn commune of France.⁴⁸ And similarly, the lack of a strong central authority in France will account for the grant to certain communes of the right to make war on their enemies,⁴⁹ while, in England, those who infringed the charter of a borough were liable to be sued in the king's court for a penalty of £10.⁵⁰ And if comparison be made of the French and English peculiarities, it will be seen that the French charters allow the burgesses to avenge themselves in many cases where the English charters insist that the injured person shall appeal to the law courts: in this respect I would suggest that the English charters are more advanced than those of France.

What, then, were the attractions of the law of Breteuil? For it is noteworthy that seven charters—Drogheda (Meath), Rathmore, Kells (Meath), Trim, Duleek, Drogheda (Louth), and Shrewsbury—speak of the law of Breteuil in the singular. Let us

⁴⁷ *British Borough Charters*, p. cxv.

⁴⁸ *The English Borough in the Twelfth Century*, p. 57.

⁴⁹ *British Borough Charters*, p. cxiv.

⁵⁰ *Ibid.*, p. xxiii.

look at the clauses relating to the Limitation of Fines on pp. 153-9 of my *British Borough Charters*; the London amercement was limited to a man's *were*, 100s.; at Bristol and Dublin it was limited to 40s., at Newcastle-upon-Tyne and Wearmouth to six ounces of silver, and at Eynsham to 10s.: surely, then, settlers would be attracted to towns where the amercement for all offences, with a few exceptions, was limited to 12*d.*

ADOLPHUS BALLARD.*

Tenred of Dover

IN John of Salisbury's *Metalogicon* i. 14 we read, according to the printed texts, the following statement: *Teuredus tamen noster, grammaticus scientia quam opinione potentior, etiam in sonis elementariis amplio rem numerum (than five) conuincebat. Si enim attendantur uocum (ut ait) differentiae, septem sunt.* The only hypothesis that I have ever come across as to the identity of this *Teuredus* is that of Valentin Rose, who suggested¹ that the person intended might be a certain Theodoridus of Brindisi, described as *peritissimus litterarum* in the preface prefixed by the Sicilian scholar Henricus or Euericus Aristippus (with whom Rose wished to identify John of Salisbury's *Graecus interpres*²) to his translation of Plato's *Phaedo*.

The oldest manuscripts of the *Metalogicon* give in i. 14 not *Teuredus* but *Tenredus*, and the only known medieval author with a name which could be identified with this is, as Mr. W. H. Stevenson first pointed out to me, Theinredus of Dover, a writer on music, whose date is usually given³ as 1371. This date, however, rests solely on the authority of Pits,⁴ who, to judge from his own pages, knew no more of Theinred (or *Thiuredus*, as he spells him) than he found in Boston of Bury, in whose account the date of its subject is missing. Boston's words, as given by Bale,⁵ are as follows:

Thinredus monachus Doverie, in Cantia, composuit,
De legitimis ordinibus musicę, li. i.
Pentacordorum et tetracordorum, li. iii. 'Quoniam musicorum'.
Atque alia plura. Claruit A.D. [the year is not supplied.]

Only one manuscript of Theinred's work is known to exist, which

* It is with great regret that we hear of Mr. Ballard's death on the 12th of last month.—Ed. *E.H.R.*

¹ *Hermes* I. 380.

² *Metal.* i. 5, iii. 5, iv. 2.

³ e.g. in the *Dictionary of National Biography*.

⁴ *De Script.*, p. 310.

⁵ *Index Brit. Script.*, ed. Poole and M. Bateson, p. 429.

is now in the Bodleian Library (Bodl. 842), written in a late fourteenth-century hand, and bearing the superscription: *Alueredo cantuariensi Theinredus douerensis de legitimis ordinibus pentachordorum et tetrachordorum.*

Dr. H. M. Bannister, than whom there is no greater authority on medieval musical manuscripts, has kindly inspected the Bodleian MS. at my request, and informs me that there is nothing either in the text or in the diagrams of the treatise inconsistent with a twelfth-century origin. He also points out that the manuscript is clearly the copy of an earlier one, the copyist having omitted to transcribe on fo. 19^v the text of his exemplar (a mistake afterwards rectified by a corrector), and that the fact of the work being placed by the scribe before a treatise by Falco, who flourished c. 1230, is in favour of its being of an earlier date than this.

We are thus free to conjecture a twelfth-century date for 'Theinredus' if there should be other grounds for doing so, and we shall see that there are reasons not only for placing him in the twelfth century but for seeking him in a circle with which John of Salisbury was well acquainted. All we know of him is, we must observe, that his name was Theinred or Thinred, that he was a monk of Dover, and that he dedicated his work to a friend named Alfred, who was of Canterbury, and presumably a monk of Canterbury. Now, in the first place, it would be strange indeed to find such Anglo-Saxon names in the fourteenth, or indeed after the middle of the twelfth century; and in the second place, although the priory of Dover was a cell of Christ Church, Canterbury, the relations between the two houses were, in the thirteenth and fourteenth centuries, anything but friendly. On the other hand, in the middle of the twelfth century, when Archbishop Theobald had just colonized the priory of Dover in 1139 with twelve monks from Christ Church under the sacrist Ascelin as prior, nothing would be more natural than for a Dover monk, himself a migrant from Christ Church, to be intimate with a monk who had remained in the mother house; or than for both to be on friendly relations with John of Salisbury and Thomas Becket (to whom the *Metalogicon* is addressed). For both Thomas and John were members of Archbishop Theobald's household, Thomas from about 1143 onwards and John from 1150 or possibly earlier, and no doubt on those familiar terms with the Christ Church monks to which John's *Entheticus ad Policraticum* and other writings bear witness. Moreover, though John describes his friend Tenred as a grammarian and not as a musician, the observations which he quotes from him concern a department of grammar—that which we should nowadays call phonetics—which would be

especially interesting to a student of musical theory. It is thus, as it seems to me, quite possible that this Tenred was no other than the author of the first treatise in Bodl. MS. 842.

CLEMENT C. J. WEBB.

Plenum Parliamentum

SOME twenty years ago Maitland pointed out¹ that a 'parliamentum' might still be described as 'plenum' after the specially summoned lords and generally-elected commons had been dismissed, and none remained at Westminster save the members of the council. The meaning of the phrase has continued to puzzle historians, while lawyers have boldly accepted it as a 'term of art used to describe a true parliament', i.e. one on which could be based the legal fiction of a hereditary peerage.² 'Parliament' could in the thirteenth century mean almost any kind of parley. In 1244 the sheriff of Northumberland was ordered to pay compensation to persons whose crops had been trodden down in the 'parliament' between the English and Scottish kings;³ the 'parliaments' of the Inns of Court are of considerable antiquity, and Sir Robert Cotton thought that the word was first used of abbots' chapters.⁴ During the latter half of the thirteenth century various adjectives were employed to distinguish parliaments of the realm. Matthew Paris writes of a 'parliamentum generalissimum' in 1246 and of a 'parliamentum magnum' in 1251 and 1257; and the *Annals of Waverley* use the latter expression of parliaments held in 1265, 1266, 1268, 1276, and 1278. Thomas Wykes speaks of a 'parliamentum baronum' in 1260, and the *Annales Wintoniae* of a 'parliamentum omnium magnatum' in 1270. The Patent Roll for 1275 has the phrase 'in primo generali parlamento nostro', and the Parliament Roll for 1305 has 'generali parlamento tunc existente'.⁵

The curious circumstance is that amid this variety of adjectives 'plenum' does not appear, and it seems as though it were never used to distinguish one parliament from another. It occurs, apparently, only in the ablative case, *in pleno parlamento*, or later, when French supersedes Latin, *en plein parlement*;⁶ and it is used, not to distinguish one parliament from another, but

¹ *Memoranda de Parlamento*, Rolls Ser., pp. xxxv. ff.

² *Ante*, p. 391 n.

³ Bain, *Cal. of Documents relating to Scotland*, vol. 1, Nos. 1647, 1651-2, 1658; the parliament appears really to have been between Alexander II of Scotland, and Richard, Earl of Cornwall, as Henry III's representative.

⁴ *Cottoni Posthuma*, 1672, p. 44.

⁵ *Rot. Parl.* i. 179 a.

⁶ e.g. *ibid.*, i. 25 a, 32 b, 78 a, 181 b, 214 a, 219 b; ii. 56 b, 65 b, 67, 112, 126, 128, 254, 311, 319; iii. 236-7.

the different kinds of session which every parliament held. A parliament was *plenum* when its various sections met in common session to hear the opening speech by the chancellor or other member of the council deputed for the purpose, when they met to report their grants of aid, or to hear the answers to their petitions, and when (in later days) the commons 'comparentes in pleno parlamento' presented their Speaker-elect for royal confirmation;⁷ and the modern counterpart of a 'plenum parliamentum' is seen when the commons, with the Speaker at their head, attend the opening of parliament in 'the House of Lords', or are summoned thither to hear or to witness the royal assent to legislation.

On such occasions parliament was 'fuller' than on others; but it may be doubted whether 'full', in its usual sense, translates the meaning of the medieval *plein* or *plenum*, and there remains the difficulty of a 'parliamentum' which continued 'plenum' after all but councillors had gone. Possibly this is one of those cases in which we may be helped by the recollection that the Latin word seeks to express a French thought, and that 'in pleno parlamento' is a translation of 'en plein parlement'. Now, when a Frenchman uses the phrase 'en plein air', he means 'in the open air'; and there are reasons for suspecting that 'en plein parlement' refers to the publicity of its proceedings rather than to the fullness of the attendance. Parliament, indeed, like other courts, had its 'plain' as well as its private sessions; in 1492 a letter was addressed to Henry VII from 'your true and feithfull subjectes the lordes spirituels and temporels and your counseillours of your land of Ireland in playne parlement ther assembled';⁸ the Star Chamber Act of 1487 directed the county justices to assess their ameracements 'in playn sessions', and these 'playn' sessions are in an Act of 1504 called 'opyn' sessions.⁹ Parliament might, like any other court, deliberate behind closed doors, and its committees or 'estates' habitually did so; but its judgements and its acts were passed in open court, *reddent iudicia in pleno parlamento*;¹⁰ and a court may be open whether it is full or not.

In the time of Edward I it seems clear that the stress in 'plenum parliamentum' was on the openness of the court rather than on the fullness of the assembly, *quia de iure ostium parlamenti non debet claudi*;¹¹ hence a 'parliamentum' can still be 'plenum' when only those who formed the 'curia' remained.

⁷ e.g. *ibid.*, vi. 278.

⁸ Gairdner, *Letters and Papers of Henry VII*, i. 379.

⁹ See my *Reign of Henry VII*, ii. 56, 73.

¹⁰ 'Modus Tenendi Parliamentum', ap. Stubbs, *Select Charters*, 1900, p. 505.

¹¹ *Ibid.*, p. 511.

But in time the *parlement* is swamped by the 'estates',¹² the political dominates the judicial aspect of parliament, and 'plenum' comes to imply the presence of those who have flocked into the court which the Crown had opened. When in the reign of Henry V a version of the 'Modus Tenendi Parliamentum' was sent over to Dublin for the guidance of Irish viceroys, it included the maxim that 'si contingat quod aliquis predictorum [sex] graduum, excepto rege, absens a parlamento fuerit et debite summonitus fuerit, nihilominus parlamentum iudicandum est esse plenum'.¹³ The presence, and still less the assent, of every 'gradus' or 'estate' was never essential to the validity of parliamentary legislation, otherwise there could have been no statutes of provisors and praemunire, and no Elizabethan settlement of religion; but there was clearly growing up a connexion in men's minds between the presence of estates and the plenitude of parliament, and ultimately in the seventeenth century so learned a lawyer as Selden could ask, 'how can it be said "in full parliament" when the commons, one of the States, are absent?'¹⁴ The century, during which Spelman introduced the feudal system into England and Coke discovered Magna Carta, was also marked by the invention of a good deal of that early parliamentary history which the lawyers have made the law of the land.

A. F. POLLARD.

The First Journal of Edward II's Chamber

DURING the reign of Edward II the king's Chamber, from which the governmental departments had sprung, was reorganized.¹ It was from the Chamber that the Exchequer and Wardrobe had developed. Increase in business, a growing complexity in administration, and the removal of the officials from the personal relation in which they had stood to the king had separated the Exchequer from the immediate control or supervision of the king, and from the reign of Henry III the Wardrobe had become the 'special mouthpiece of the personal will of the king'.² One

¹² One of the chief causes of differentiation between English and French constitutional history is that *parlement* and *états* were amalgamated in England, but kept distinct in France. This amalgamation was Edward I's real contribution to a 'model parliament'.

¹³ R. Steele, *Proclamations*, i. clxxxix. This version of the 'Modus', unlike the earlier English versions, uses 'status' as equivalent to 'gradus'; but it is worth noting that it says that the commons 'constant ex tribus gradibus, videlicet de procuratoribus clericorum, militibus libertatum et comitatum, civibus et burgensibus'. *Ibid.*, p. cxc.

¹⁴ Selden, *Judicature in Parliament*, p. 158.

¹ Cf. Tout, *The Place of Edward II in English History*, pp. 168 f.

² Tout, 'The Chief Officers of the Wardrobe down to 1399,' *ante*, xxiv (1909), 496.

of the aims of the barons during the reign of Edward II was to render the Wardrobe dependent upon and accountable to the Exchequer, a principle which was enforced in the Ordinances of 1311.³ Another organization was necessary to take the place of the Wardrobe in its financial relation to the king, who objected to having his private expenditure audited by the Exchequer and receiving his private revenue through that office. It is a noticeable tendency in English administrative history that, as one instrument or department was withdrawn from the direct and personal control of the king and became formalized, another grew up within, which took upon itself the more personal functions of the older instrument or department. This is illustrated by the succession of seals—the great seal, the privy seal, the secret seal, the signet, and the griffin. It would seem as if the organization of the Chamber with definite sources of revenue assigned to it, with accounts of its own, a staff of clerks and officials, was designed with a somewhat similar purpose. It was to stand as an inner defence to the king against the barons who were assaulting the independence of the Wardrobe. The Chamber was to be an inner financial organization upon which the household could depend when necessary.

The first separate accounts of the reign are a number of accounts of Master James de Ispannia, the receiver of the issues of lands and manors assigned to the Chamber. The accounts of which evidence is preserved begin on 8 November 1320 and run continuously until 24 May 1323, and they are enrolled on the Pipe Roll. These are, however, only concerned with one side of the revenue of the Chamber.⁴ The completest accounts of the Chamber which remain are a series of Chamber Journals running continuously from 4 October 1322 to 23 March 1325,⁵ which contain the various receipts into the Chamber, both from the Chamber lands and from foreign sources, and an account of the daily expenditure of the Chamber. They were enrolled on the Pipe Roll in the reign of Edward III.⁶ It was therefore after the king's decisive victory at Boroughbridge that the Chamber is found with a complete organization and with full records, and it would seem as if he seized on the opportunity which the defeat of the barons afforded him to consolidate his position. But the importance of the date in the organization of the Chamber must not be exaggerated. It was in 1322 that the complete accounts commenced, but there are traces of a Chamber organization from the very beginnings of the reign.

³ Ordinances, §§ 4, 8, *Statutes of the Realm*, i. 158, 159.

⁴ Public Record Office, Pipe Roll, no. 171, m. 42d.

⁵ King's Remembrancer's Accounts, nos. 379/7, 379/11, 379/17, 380/4.

⁶ Pipe Roll, no. 171, m. 41.

Of earlier date there exists but one account relating to the Chamber, and that has little connexion with Edward II's Chamber accounts. For the thirty-sixth and thirty-seventh years of Henry III there is a portion of an account of the expenses of the queen's Chamber,⁷ but it is concerned only with payments for cloth and other necessaries for the queen's apartment. The accounts of the Household and Wardrobe are particularly numerous for the reign of Edward I,⁸ especially for the last decade, but not one of them relates to the Chamber as a distinct organization.⁹ During the reign of Edward I, however, payments were entered on the Issue Roll of the Exchequer as being made *in curia regis*.¹⁰ There is no trace of organization, and the payments were probably made to the king's privy purse and no subsequent record of their expenditure made. Early in the reign of Edward II there is evidence of money being paid into the king's Chamber from other sources than the Exchequer, and it is possible that already an immature organization was in being, though it was to develop considerably later on. As early as 23 November 1312 we find a statement to the effect that the king had received in his Chamber from the keeper of the Templars' manors in Leicestershire and Warwickshire forty marks from the issues of those manors,¹¹ and subsequently the treasurer and barons of the Exchequer were informed that the king did not wish the keeper to account in the Exchequer for the issue, but he was to render the account into the Chamber and nowhere else.¹² Besides the revenue of lands which were in the king's hands being assigned to the Chamber, payments from other sources were ordered to be made there. In 1316 the mayor, aldermen, and commonalty of London were ordered to pay into the Chamber 400 marks of a fine levied from them for pulling down a wall near the Tower.¹³

The year 1322 is, however, of great importance in the growth of the organization of the Chamber, and the first Chamber Journal which remains dates from 4 October 1322 to 5 March 1323. Before this Chamber Journal can be considered, it is necessary to say something of the lands which were assigned to the Chamber. Though no accounts of the receiver of the issue of Chamber lands survive for before 8 November 1320, instances have been given above of lands, the revenue of which was ordered to be paid to the Chamber. Among the lands which

⁷ K. R. Accounts, 349/19.

⁸ See *Public Record Office, Lists and Indexes*, List of Exch. Accounts (1912), pp. 220-33.

⁹ *Ibid.*

¹⁰ See Issue Rolls for Edw. I, *passim*.

¹¹ *P. R. O., Ancient Correspondence*, vol. xlv, no. 171.

¹² K. R. Memoranda Roll, no. 87, m. 27; L. T. R. Memoranda Roll, no. 84, Brev. dir. Pasch., m. 4d, 30 April 1314.

¹³ *Cal. of Letter-Books of the City of London*, Letter-Book E, p. 102, 13 June 1316.

are found assigned to the Chamber were Holderness, the town of Rockingham, the manors of Gringele, Sheen, Byflet, Crokham, Istelworth, Brustwick, Chippenham, Langley, Chiltern Langley, Gravesend, Glatton, Thunderley, and the castle and town of Hadley.¹⁴ The list is by no means complete, and further instances will be given later. The administration of these lands was the king's in a special sense. They were withdrawn from the ordinary administration of Chancery and Exchequer. When the chapel of Beford in Holderness became vacant, the king informed the Chancellor that the advowson belonged to the king by lands assigned to his Chamber, and forbade him to give it to any one.¹⁵ The functions of the escheator, too, were superseded by the official of the Chamber. The lands of Medham, Polington, and Bellassise, and the goods and chattels on those lands which belonged to Sir Robert de Wynginton were taken into the king's hands by Richard Squire, valet of the king's Chamber, by commission of the privy seal.¹⁶ An inquest into the extent of the manor of Chiltern Langley was made before Humphrey de Walden on 3 May 1320,¹⁷ and Nicholas de Passelawe, who held land there, certified that he had made fealty to Richard de Cokham, keeper of the lands assigned to the king's Chamber, for the lands and tenements which he held there.¹⁸ The collectors of the tenth and eighth in Buckinghamshire were to be ordered by Exchequer seal not to levy the taxes from the tenants of the king's manors of Langley Marsh and Chippenham, because the king wished to be answered for them in his Chamber.¹⁹ In the reign of Edward III a writ was issued to the official responsible for the Chamber lands to search the rolls and memoranda of the king's Chamber for the previous reign, just as a similar order might be addressed to the Exchequer.²⁰

To the receipts of the Chamber the crisis of the years 1321-2 brought a large increase, and it would seem that the war of 1322 had an important if not decisive influence on the development of its financial organization, and the bringing into account of the forfeited lands of the rebels of those years as a deliberate policy necessitated it. Immediately after the capture of Ledes Castle the lands of the defenders were seized into the king's hands, and the issues were ordered to be paid into the Chamber.²¹ On 10 January 1322 the issues of the Isle of Axholm were ordered

¹⁴ K. R. Accounts, 376/15.

¹⁵ Chancery Warrants, File 132, no. 7441, 15 June 1326.

¹⁶ Chancery Warrants, File 90, no. 3215. ¹⁷ Chancery Misc., Bundle 49, no. 2/27.

¹⁸ *Ibid.*: 'Richard de Cokham gardien de fees assigne a la chambre nostre seigneur le Roi.'

¹⁹ K. R. Mem. Roll, no. 93, m. 43d.; L. T. R. Mem. Roll, no. 90, Brev. dir. Trin., m. 9d.

²⁰ Chancery Misc., Bundle 49, no. 2/27.

²¹ *Cal. of Fine Rolls, 1319-27*, p. 77, 4 November 1321.

to be answered for in the Chamber.²² In February the sheriffs throughout England were ordered to cause all the money that could be levied from the issues of the lands of the contrariants and their adherents and from their goods and chattels to be levied without delay and paid into the king's Chamber ;²³ and the same month the keepers of the castles, lands, and goods of ninety-three rebels were likewise ordered to levy and pay into the Chamber the issues of the lands and goods in their charge.²⁴ Later the sheriff of Stafford was ordered to take into the king's hand all castles, manors, lands, and goods of the earl of Lancaster and answer for them at the Chamber.²⁵

In considering the sources whence the Chamber derived its revenue it will be well to take the issues of the Chamber lands first, since they formed the most important and constant source, and since the accounts of the receiver for a certain period are separately enrolled. All the lands assigned to the Chamber did not, however, account to the receiver. Master James de Ispannia was the receiver of only a small portion of the lands assigned to the Chamber ; most of the bailiffs of those lands accounted directly to the Chamber. In the period from 8 November 1320 to 7 July 1321, which the first account of the Pipe Roll covers, the receiver had a sum of £333 6s. 8d. from the bailiff of the manor of Cowick in Holderness and 40s. from the bailiff of Rockingham ; he also acknowledged 300 marks from Thomas de Useflete of money from the Chamber, the total receipts reaching £602. This was accounted in the king's Chamber on 9 March 1321.²⁶ For the fifteenth regnal year the amount paid to the receiver was still smaller, though meanwhile the lands assigned to the Chamber had been greatly increased by the addition of lands forfeited by the rebel barons. The sum received that year was £459 9s. 6d., and was composed of £164 from the issues of the lands of Roger Damory, £140 from the lands of Bartholomew de Badlesmere, 109s. 6d. from the issues of Rockingham, and £150 from various lands in the custody of Geoffrey Dode. Of this sum £300 was accounted in the Chamber by the hand of Roger de Northburgh, the keeper of the Wardrobe, and the residue was entered as owing,²⁷ and was added on to the receipts of the following year. Master James de Ispannia received £168 15s. 4d. in the sixteenth year, a sum made up of small payments from the bailiffs of the manors of Istelworth and Sheen, Northwold, Crokham, and the town of Rockingham, with

²² *Cal. of Pat. Rolls, 1321-4*, p. 47.

²³ *Cal. of Close Rolls, 1318-23*, p. 423, 22 February 1322.

²⁴ *Ibid.*, pp. 517-18, 12 February 1322.

²⁵ *Cal. of Fine Rolls, 1319-27*, p. 100, 5 March 1322.

²⁶ Pipe Roll, no. 171, m. 42d.

²⁷ Pipe Roll, no. 171, m. 42d.

the unpaid balance of the previous year. The receipts made a total of £328 2s. 10d., £290 of which William de Langley, clerk of the king's Chamber, received. Stephen Alard of Winchelsea received £28 in part payment of debt due to him for the repair of a ship. The remainder the receiver afterwards gave to William de Langley before the auditors.²⁸

For at least a part of this last period there are the fuller accounts of the Chamber Journal to extend our knowledge of the receipts of the Chamber. The Journal of the Chamber from 4 October 1322 to 5 March 1323 is the first of its kind, and although it does not display the activity of the Chamber in its completest form, it may be taken as a fair example and analysed. The Journal is the account of Thomas de Useflete, the controller, of William de Langley, the clerk of the king's Chamber. The first portion is concerned with receipts. The first entries on the receipt side are certain payments from Thomas de Useflete, controller of the Chamber,²⁹ a total of £259 7s. 9d. being thus obtained.³⁰ The total of the foreign receipts was £118 6s. 8d., and was composed of £25 from the farm of the manor of Temple Guyting, 50 marks, a fine for adhering to the contrariants of the king, and 60 marks received from Rees ap Griffith, keeper of the manor of Llandoverly in Wales for the issues of that manor.³¹ In the next account the division of the receipts is more precise. First come the receipts of the issues of manors and then the foreign receipts. In this account the receipts between 20 July 1323 and 15 April 1324 are acknowledged.³² In the revenue derived from lands the manor of Brustwick contributes a considerable amount. On 26 May it had furnished £300.³³ In the period covered by the second Chamber Journal two sums, one of £60 and the other of £350,³⁴ were paid into the Chamber by the bailiff of that manor. The bailiffs of Bagworth, Hathelseye and Carleton, Byflet, Thunderley, Henley, Chiltern Langley, Crokham, and other manors, and the constable of Tickhill also paid the issue of their bailiwicks into the Chamber, the total revenue from lands amounting to £689 6s. 8d.³⁵ The chief item

²⁸ *Ibid.*

²⁹ It would appear that the sum received from Thomas de Useflete was what had been received by him from the lands assigned to the Chamber. In this account the money is described as received by William de Langley 'auxi bien de sire Thomas de Useflete clerk de chambre le Roi auant dite come des autres foreins resceites' (P. R. O., K. R. Accounts, 379/7, fo. 1). In the next account the receipts are described as 'auxi bien des issues des manoirs come autres foreines resceites' (P. R. O., K. R. Accounts, 379/11d).

³⁰ K. R. Accounts, 379/7, fo. 1; Pipe Roll, no. 171, m. 41.

³¹ *Ibid.*

³² K. R. Accounts, 379/11. This appears to be a portion of K. R. Accounts, 379/17. The former contains the receipts and the latter the issues of the same period.

³³ Pipe Roll, no. 171, m. 41.

³⁴ K. R. Accounts, 379/11.

³⁵ *Ibid.*

in the foreign receipts, which totalled £728 11s. 0½*d.*, was an item of £600 paid into the Chamber by Anthony de Lucy from the property of Andrew de Harcla.³⁶ The total revenue of the Chamber for that period was £1,417 17s. 8½*d.*³⁷ Among the foreign receipts for the months April–July 1324 were £40 from the goods and chattels of rebels, and £14 of money of the bishop of Hereford, forfeited by him, found in the town of Ross.³⁸ For the eighteenth regnal year the number of foreign receipts was considerable, though the amount was small. The sheriff of York paid in 20 marks from the sale of wine, and the clerk of market and measures in the Isle of Wight paid £7 18s. 10*d.* out of the issues of his office. There were a number of payments from the sale of victuals at Newcastle-upon-Tyne, of some from masters of the king's ships from the freight of his ships, and the repayment of a number of loans made out of the Chamber.³⁹ The average annual revenue of the Chamber from the issues of lands assigned thereto and from the foreign receipts was a little below £2,000.⁴⁰

We have now to consider the issue of the Chamber. The payments made from the Chamber were especially concerned with the king's private expenditure. The arrangement of the issue portion of the account was simple. The payments were entered daily, and when no payment was made on any day the fact was noted and recorded.⁴¹ The place of payment was also entered, and from these Chamber accounts a fairly accurate itinerary of the king could be compiled for the last years of the reign. Payments for work done in the park of Castle Bernard,⁴² wages of the king's sailors,⁴³ of the porters of the royal Chamber,⁴⁴ the carpenters,⁴⁵ plasterers, miners, and ditchers,⁴⁶ were made out of the Chamber revenues. A sum amounting to more than £100 was paid for the repair of divers works in the manor of Faxflete.⁴⁷ Many of the sums paid were for entertainments and luxuries for the king. On 7 January 1323 a gift of 40s. was made

³⁶ K. R. Accounts, 379/11.

³⁷ *Ibid.*; Pipe Roll, no. 171, gives the following totals:

		£	s.	d.
m. 41	5 March 1323—29 September 1323	1,681	10	0
	29 September 1323—15 April 1324	1,311	4	4½
	15 April 1324—29 September 1324	350	5	6
m. 41d.	29 September 1324—23 May 1325	1,532	16	5

³⁸ K. R. Accounts, 380/4, fo. 4.

³⁹ *Ibid.*, fo. 25.

⁴⁰ See above, note 37. In the year 29 September 1325—29 September 1326 the revenue was £2,097 4s. 6¾*d.* (Pipe Roll, no. 171, m. 42).

⁴¹ K. R. Accounts, 379/7, 379/17, 380/4.

⁴² K. R. Accounts, 379/7, fo. 1.

⁴³ *Ibid.*, fo. 7.

⁴⁴ *Ibid.*

⁴⁵ K. R. Accounts, 380/4, fo. 7, 10, 33.

⁴⁶ *Ibid.*, fo. 8, 9, 10.

⁴⁷ K. R. Accounts, 379/17, fo. 9.

to three clerks playing interludes in the hall of Cowick before the king and Hugh le Despenser.⁴⁸ Payment was made to an oystermonger of Westminster for oysters for the king and Hugh.⁴⁹ Various payments were made to clergy. Forty shillings were given to Dominicans from France by royal gift by the hands of Sir Richard de Ayremynne, keeper of the privy seal,⁵⁰ and a gift of 20 marks was made to Brother John de la More, prior of the Friars Preachers of London.⁵¹ Friars who brought the king news received 20s. as a gift.⁵² Thirty shillings was given to the king's almoner for distribution amongst the poor for the soul of Sir Robert de Grendon, who died at the abbey of Tichfield and was buried there.⁵³ A sum of £10 was paid to the two perpetual chaplains of Merewell for them to sing for the soul of Sir Roger de Felton for a whole year.⁵⁴ Various payments in the way of wages, expenses, and gifts were made to the officials of the household. A valet of the king's Chamber received 10s. for his expenses going towards the household,⁵⁵ the king's drummer 10s. as a gift,⁵⁶ and the usher of the king's Chamber a like amount.⁵⁷ Rees ap Griffith, a privy squire of the king's Chamber, who brought to the Chamber £60, the issues of his bailiwick,⁵⁸ received £10 as a gift from the king.⁵⁹ John Thewyt, bailiff of Brustwick in Holderness, who carried to the king a sum of £420, the issues of his bailiwick, received a gift of £20.⁶⁰ There are frequent instances of payments made to or on behalf of Hugh le Despenser the son. A sum of 100s. was given from the Chamber to the keeper of Hugh's great horses for his daily use in the discharge of his duty,⁶¹ and a like amount to his squire, who had been captured by the Scots, to purchase horses and harness.⁶² The page of Hugh's chamber received a gift,⁶³ and the king's huntsman a sum of money for following Hugh by mountain and valley in hunt.⁶⁴ Sometimes the payments made from the Chamber had a direct administrative importance. Payments were made out of the Chamber on 17 August 1324 for the fee of the bearer of letters under the secret seal to the earl of Chester and Hugh le Despenser to Sherborne on 28 July.⁶⁵ Sir Giles de Beauchamp received 10 marks for his expenses in going to Wales.⁶⁶ In the sixteenth year of Edward II various men were

⁴⁸ K. R. Accounts, 379/7, fo. 5.

⁵⁰ K. R. Accounts, 379/7, fo. 5.

⁵² K. R. Accounts, 380/4, fo. 35.

⁵⁴ K. R. Accounts, 380/4, fo. 65.

⁵⁶ *Ibid.*

⁵⁸ He was keeper of Llandoverly. See above.

⁵⁹ K. R. Accounts, 379/7, fo. 5.

⁶¹ K. R. Accounts, 379/7, fo. 2.

⁶⁴ *Ibid.*; K. R. Accounts, 379/17, fo. 3.

⁶⁶ K. R. Accounts, 379/7, fo. 3.

⁴⁹ K. R. Accounts, 380/4, fo. 48, 61.

⁵¹ K. R. Accounts, 379/17, fo. 2.

⁵³ *Ibid.*, fo. 66.

⁵⁵ K. R. Accounts, 379/7, fo. 2.

⁵⁷ K. R. Accounts, 379/7, fo. 5.

⁶⁰ K. R. Accounts, 380/4, fo. 41.

⁶² *Ibid.*, fo. 4. ⁶³ *Ibid.*

⁶⁵ K. R. Accounts, 380/4, fo. 30.

paid their expenses out of the Chamber for their pursuit of Robert Lewer,⁶⁷ who had rebelled against the king, or rather against Despenser.⁶⁸ A ship, for which £130 was paid and which was called the *Cog le Despenser*, was bought at Sandwich and paid for out of the Chamber.⁶⁹ On one occasion money was advanced out of the Chamber even to the treasurer. On 6 March 1325 50 marks were handed to Walter, bishop of Exeter, the treasurer, to pay to the Lord de Sully, who had come as a messenger from the king of France to the king of England.⁷⁰

Payments made out of the Chamber were very frequently made by the king's word of mouth,⁷¹ and the frequency with which payments were entered in the Chamber Journals as *par comand le Roi* testifies to this fact.⁷² Sometimes the place where the order is given is explicitly stated. A squire of the king's Chamber from Gascony had 10 marks on 10 December 1324 of the king's gift by order made in the bedchamber at Nottingham.⁷³ Orders for payment were also conveyed by various officials of the Chamber. John Harsik, a squire of the Chamber,⁷⁴ made these announcements on a large number of occasions.⁷⁵ Peter Bernard, usher of the king's Chamber,⁷⁶ often conveyed these orders.⁷⁷ Payments were also made on the announcement of Sir John de Sturmy,⁷⁸ seneschal of the king's Chamber,⁷⁹ Thomas de Useflete,⁸⁰ the controller of the Chamber,⁸¹ and Oliver de Bordeaux,⁸² a squire of the king's Chamber.⁸³

In the financial procedure of the Chamber the use of the privy seal is of importance. This matter will be better stated after the relation of the Chamber to the Wardrobe has been considered. The Wardrobe and the Chamber were intimately connected. In the first place, sums of money were paid out of the Chamber to the Wardrobe for the king's expenses.

⁶⁷ Pipe Roll, no. 171, m. 41; K. R. Accounts, 379/7, fo. 8. See *ante*, xxv (1910), p. 430.

⁶⁸ *Chronicles of Edw. I and Edw. II*, ii (Auct. Malm.), 272-3.

⁶⁹ K. R. Accounts, 380/4, fo. 51.

⁷⁰ *Ibid.*, fo. 69.

⁷¹ Pipe Roll, no. 171, m. 41 'diuersas expensas et liberaciones faciendo per preceptum ipsius Regis oretenus ut dicit.'

⁷² K. R. Accounts, 379/7, fo. 1, 3, 4, 5; K. R. Accounts, 379/17, fo. 2; K. R. Accounts, 380/4, fo. 5.

⁷³ K. R. Accounts, 380/4, fo. 41.

⁷⁴ K. R. Accounts, 379/17, fo. 2.

⁷⁵ K. R. Accounts, 379/7, fo. 2, 3, 4, 6; K. R. Accounts, 379/17, fo. 2, 5; K. R. Accounts, 380/4, fo. 12, 22, 28, 47, 67.

⁷⁶ K. R. Accounts, 379/7, fo. 5.

⁷⁷ K. R. Accounts, 379/7, fo. 4; K. R. Accounts, 379/17, fo. 4; K. R. Accounts, 380/4, fo. 7, 27.

⁷⁸ K. R. Accounts, 379/7, fo. 3; K. R. Accounts, 380/4, fo. 13, 14, 15, 22.

⁷⁹ K. R. Accounts, 379/7, fo. 5.

⁸⁰ *Ibid.*, fo. 5, 6.

⁸¹ Pipe Roll, no. 171, m. 41; K. R. Accounts, 379/7, fo. 1.

⁸² K. R. Accounts, 379/17, fo. 3; K. R. Accounts, 380/4, fo. 44, 54.

⁸³ K. R. Accounts, 379/17, fo. 3

One of the first payments was that of 17 February 1322, when £300 was accounted to Roger de Northburgh, the keeper of the Wardrobe, who received it in the Chamber from Master James de Ispannia, receiver of the lands assigned to the Chamber.⁸⁴ On 16 March 1323, 80 marks were paid out of the Chamber to Sir Roger de Waltham, keeper of the Wardrobe, for the expenses of the household, and on 6 October of the same year a further sum of £100 was thus paid.⁸⁵ A sum of £500 was paid to Sir Robert de Wodehouse, keeper of the Wardrobe, by the king's order on 13 December 1323.⁸⁶ It was between the dates 16 July and 12 September 1322, when the king was engaged on a Scottish expedition and therefore in need of large sums of money, that frequent and heavy payments were made by the hand of Sir Thomas de Useflete, clerk of the Chamber. By the king's command £1,000 was paid into the Wardrobe at York on 16 July 1322. Then various sums were paid into the Wardrobe on the king's journey to Scotland, £1,000 at Newcastle on 2 August, and another equal amount there on 4 August. At Welhouse on 11 August £2,000 was paid, at Creston on 18 August £1,000, at Leech on 24 August £500, at Fenham on 4 September £500 and 6 September £500. On 12 September the king was again at Newcastle and received £3,460. The amount should have been £40 more, but that sum had been lost from one of the barrels. The total amount received in that period of a little under two months was £10,960.⁸⁷ A department which could pay a sum of that magnitude into the Wardrobe in so short a period must have possessed considerable resources.

In the second place, payments were made from the Wardrobe to the Chamber, though not with such frequency or in such large amounts as those made by the Chamber into the Wardrobe. Payments amounting to £5,000, which Anthony Pessaign had made to the king for the private expenses of his Chamber, were ordered on 29 December 1312 to be paid out of the Wardrobe.⁸⁸ This payment from the Wardrobe cannot be regarded as a payment to the Chamber in the same light as those which will be noted later. Moreover, it is doubtful whether the organization of the Chamber which is found in operation in the fourteenth and subsequent years of Edward II had been developed as early as 1312, though some lands accounted to the Chamber as early

⁸⁴ P. R. O., Pipe Roll, no. 171, m. 42d.

⁸⁵ K. R. Accounts, 379/17, fo. 7. See also Brit. Mus., Stowe MS. 553, Liber Garderobe, Edw. II, fo. 18b.

⁸⁶ K. R. Accounts, 379/17, fo. 10.

⁸⁷ Brit. Mus., Stowe MS. 553, Liber Garderobe Edw. II, fo. 18b. See also Enrolments of Wardrobe Accounts, Exch. L. T. R., Roll no. 2, m. 20.

⁸⁸ K. R. Accounts, 375/8, fo. 7.

as that. On 27 February 1323 Thomas de Useflete, as clerk of the king's Chamber, received £100 as a loan for the private business of the king in the Chamber, to be done by him.⁸⁹ William de Langley, clerk of the Chamber, received 200 marks for the private business of the king on 11 November in that year.⁹⁰ In the nineteenth year a payment of £100 was recorded as made to the king in his Chamber from the Wardrobe for his secret affairs,⁹¹ and in the last few weeks of his reign as king payments amounting to £345 were made to the king in his Chamber for similar purposes.⁹²

The accounts of the Chamber follow those of the Wardrobe very closely, but there is this difference between them. Whereas the Wardrobe accounts, rolls, and books are written in Latin, those of the Chamber are invariably found in French, a fact which emphasizes their relation to the person of the king. The Chamber Journals breathe throughout a personal rather than an administrative note. The accounts of the Chamber were not rendered before the Exchequer, but before auditors assigned by the king. In Edward III's reign Thomas de Useflete, who had been a clerk of the Chamber of Edward II, was ordered by Exchequer summons to account there. He had accounted for the time for which he was receiver of the Chamber before Richard de Wynferthing, who had been assigned on behalf of the king auditor of the accounts of his Chamber.⁹³ Master James de Ispannia rendered his account as receiver of the lands assigned to the Chamber on 15 July 1325 before Robert de Holden, Richard de Wynferthing, and Richard de Ikene, auditors assigned by the king for the accounts of his Chamber, and before them he paid £11 2s. 10d. balance of his account to William de Langley, clerk of the Chamber.⁹⁴ A payment was made by the view of Sir Richard de Wynferthing and Sir Richard de Ikene, auditors of the king's Chamber,⁹⁵ and the same two auditors received a payment of 100s. of the king's gift.⁹⁶

It was in the relation which existed between the Chamber and the Wardrobe that the use of the privy seal came in. In the accounts of the receiver of the Chamber lands it is stated that £300 was handed into the Chamber by Roger de Northburgh, the keeper of the Wardrobe, by letters patent of acquittance of

⁸⁹ Liber Garderobe Edw. II, fo. 137.

⁹⁰ *Ibid.*

⁹¹ Enrolments of Wardrobe Accounts, Exch. L. T. R. Roll no. 2, m. 26 'Et in denariis liberantibus Regi ad cameram suam pro secretis suis.'

⁹² Enrolments of Wardrobe Accounts, Exch. L. T. R. Roll no. 2, m. 26.

⁹³ Ancient Petition, no. 3991 'de quel temps le dit Thomas acounte deuant Richard Wynferthyng qui adonqe estoit assigne depar le dit piere nostre seigneur le Roi auditour des accountes de sa chambre.'

⁹⁴ Pipe Roll, no. 171, m. 42d.

⁹⁵ K. R. Accounts, 380/4, fo. 56.

⁹⁶ *Ibid.*, fo. 66.

the king by privy seal dated 17 February 1322,⁹⁷ and a sum of £20 was handed to William de Langley, clerk of the king's Chamber by letters patent of the king by privy seal of 15 April 1323.⁹⁸ The payment the receiver made to Stephen Alard of Winchelsea for the repair of a certain ship was made by writ of privy seal.⁹⁹ Receipts of money into the Chamber were also acknowledged by letters patent under the privy seal.¹⁰⁰

As the portion of the Chamber Journal¹⁰¹ printed here shows, the Chamber was the most personal organization of the king. It was the direct expression of his will. After 1322 it had a complete system and organization. It had a separate staff of officials, clerical and lay, who were constantly about the king and were his personal servants. It had independent sources of revenue and could subsidize the other departments of the household, which had become more closely associated with the administrative departments and more formalized. It accounted before specially appointed auditors. In all directions its independence was considerable, and as an instrument of the royal will it was in a position to be of much service.

JAMES CONWAY DAVIES.

Useflet¹

Hunc libellum liberauit hic Thomas de Usflete contrarotulator Willelmi de Langeleie nuper clerici camere Regis Edwardi filii Regis Edwardi et receptoris denariorum ipsius Regis in eadem camera vj die Junij anno regni Regis Edwardi terci j post conquestum iiiijto.²

lan xvj^o

La somme totale de deniers³ reseuz en la chambre nostre seigneur le Roi par William de Langele clerk auxi bien de Sire Thomas de Useflet clerk de chambre le Roi auantdit come des autres foreins reseceites del iiiij iour Octobre lan du regne le Roi Edward filtz le Roi Edward xvj^e tanque le v iour de martz prochein siwant lan auantdit xvj^e par queu

⁹⁷ Pipe Roll, no. 171, m. 42d 'per litteras acquitancie ipsius Regis patentes de priuato sigillo.'

⁹⁸ Pipe Roll, no. 171, m. 42d 'per litteras ipsius Regis de priuato sigillo.'

⁹⁹ Pipe Roll, no. 171, m. 42d 'per breue de priuato sigillo.'

¹⁰⁰ K. R. Accounts, 379/7, fo. 1 'dount le dit William est chargez de la resecite per breue le Roi de priue seal.'

¹⁰¹ K. R. Accounts, 379/7.

¹ The name of Useflete, the controller of the Chamber, appears on the outside cover of the document.

² This memorandum was inserted on the inside cover.

³ Wherever a word occurs once in its extended form that form is used throughout. The most important and frequent instances are deniers, manoir, and auoir.

temps le dit Sire Thomas estoit Contreroulor le dit William cest assauoir mardy le iiij^e iour Doctobre lan auantdit resceu de Sire Thomas de Useflete au Chastel Bernard x li.

Item le iiij iour de Nouembre a Euerwyk resceu de dit Sire Thomas L marks.

Item le xiiij^e iour de Nouembre a Tuttebury resceu illoeqes de dit Sire Thomas xxiiij li. xix s. j d.

Item le xv^e iour de Nouembre resceu de dit Sire Thomas par les meins Roger de mar liuerant les deniers a Euerwyk Lxij s.

Le xx iour de Nouembre a Templehurst resceu du dit Sire Thomas par les meins Phelipot des armes xL li.

Le xx iour Decembre a Euerwyk resceu du dit Sire Thomas par les meyns Sire William de Ayremyne CC marks.

Le iiij iour de Janyuer a Couwyk resceuz de dit Sire Thomas par ses meyns propres liuerant les deniers xiiij li. xij s. iiij d.

Le queux deniers auantditz le dit William de Langele resceut le dit Sire Thomas par un endenture fait entre eux CCLix li. vij s. ix d.

Item le dit William de Langele resceut des autres foreynes receites de diuers gentz lan et le temps auantditz come piert par ces parcles cest assauoir

le xxv iour de Nouembre lan xvi auantdit a Euerwyk de ffrisount de monteclare fermer de manoir de Temple guytinge des issues du dit manoir dount le dit William est chargez de la resceite par breue le Roi du priue seal xxv li.

Item le xxviiij iour de Nouembre a Euerwyk resceu de Johan de Dalton pur un fyn qil fist a nostre seigneur le Roi pur ceo qil estoit aydant a les contrariantz nostre dit seigneur le Roi dount le dit William est chargez de la resceite par breue du priue seal L marks.

Item le iiij iour de Feuerer a Nortwell de Rees ap Griffithe gardein du manoir de Thlanendeuery en Gales des issues du dit manoir dount le dit William de Langele est charge par breue le Roi du priue seal de la resceite Lx li.

La somme de cestes iij parcles

Cxviiij li. vi s. viij d.

Issue de mesme les deniers lan et le temps auantditz Cest assauoir

Le viij iour Doctobre lan presente xv^e a Chastel Bernard paie a Johan fiz Alein oue Johan de la More William de Castre Richard Borrey Johan Michel Hugh de Mordeun William Brid Wautier Phelip Robert Bernard Johan Hudde Wautier Knygth Phelipp Boldyngg Richard Warde Henri Bouer et Robert de Kenle pernant chescun de ces xv hommes fauchour de pre en le park du dit chastel pernant chescun iiij deniers le iour pur lour Lowere entre le iiij iour Doctobre lan present et ceo iour par iiij iours feriales acomptez paietz par les meyns Johan Hert parker du dit

chastel xx s. Item paie a x diuers femmes del chastel Bernard cest assauoir fesauntz fein et collauntz fein ensemble en le park pernanz chescun v s. xxv s.

le ix iour Doctobre le x iour Doctobre et le xj iour Doctobre illoeques rien en issue rien en issue.

Item le xij iour Doctobre illoeques paie a Johan fiz Alein Johan de la More William de Castre Richard Borrey Johan Michel Hugh de Mordeun William de Brid Wautier Phelip Robert Bernard Johan Hudde Wautier Knyght Phelipp Boldyngg Richard Warde Henri Bouer et Robert de Kenle pernant chescun de ces xv hommes faucheors des preez ouerantz par comand le Roi en le dit park come auant pernant chescun le iour ferial iiij d. entre le ix iour Doctobre et ceo iour de mesme le mois par ij iours ferials acomptez x s. Item paie a Johane Bate Emme Brid Alys Hayward Mold Vaderwyf Mold Pecok Johane de Stronde Emme Bernard de Polles pernant chescun de ces vij i d. ob. chescun iour ferial pur lour loweres ouerantz en le dit park fesaunz et coillaunz ensemble fein par les ditz ij iours come les ditz fauchours xxj d. Item paie par comand le Roi ce iour a Richard de Mereworth vadlet de la Chambre le Roi pur diuers choses achatez a Noef Chastel sur Tyne en le mois de Septembre lan present cest assauoir paie a Adam de Stowes pur iiij fers pur paies iiij d. paie a William Wycenselby pur iiij fers pur pales vj d. paie a mesme celi pur iiij looks et xij chiefs pur fermer huis de diuers mesons a dit Chastel qe diuers vitailles sont mis de deinz qe vindrent de Neeth des parties Descoce xix d. paie au dit Richard de Mereworth pur vj flakes de verges achatez de mettre de souz les chars qe furent enuoiez a dit Neeth en Escoce pur vitailles del ost le Roi et sont ore couchez au dit Noef Chastel xij d. xv s. ij d.

Item le iiij iour de Nouembre a Welihall empris Euerwyk paie a Monde Fisser vadlet de la Chambre le Roi pur un reys pur prendre pesshon v s. paie illoeques a Johan de Flete pur iiij clewes et vj skeynes de fil de Cambre pur reis ij s. a dit Johan pur iij clewes de fil de Cambre pur reys v d. a mesme celi pur un reis de x teises iiij s. vj d. Item paie a Adam de Masham moigne de Ryuaux demorant au manoir le Roi de Hatheleseye pur li achater un habit de doun le Roi xL s. Lj s. xj d.

le vj iour de Nouembre a Danecastre paie a Johan le Gurdeler pur j reys de ix teises iiij s. ix d. a dit Johan pur un chafuet vij d. a dit Johan pur un reis de xij teises vij s. vij d. a mesme celi pur viij lb. de sengle fil pur reis xvj d. a dit Johan pur un reis de xxx teises xj s. a mesme celi Johan pur un corde pur mesme ce reis vj d. a dit Johan pur x lb. de sengle fil pur reys xx d. paie a Johan de Donecastre pur un reys de xLiiij teises xvj s. iiij d. a mesme celi pur iiij lb. de fil de Cambre viij d. a mesme celi pur un reys de xij teises iiij s. vj d. a mesme celi pur un reis de x teises iiij s. Lij s. xj d.

Item le vij iour de Nouembre a Sendale paie a William Shirlyngg marin le Roi pur ces despenses vers lostel x s. paie a Sibille la femme monde Fisser pur ces despenses vers lostel de doun le Roi v s. paie a Andreu de Dounmowe Carnauer le Roi de dotin le Roi pur ces despenses vers lostel v s.

xx s.

Item le viij iour de Novembre a Tuttebury paie a Adam Daud pur xvj aunes de Drap pris chescune aune xvij d. a mesme celi pur xij aunes de drap medle de noir et de vermail pris chescune aune xvj d. achate pur faire ent coutepies pur les esquiers de la chambre le Roi xxxviii s. viij d. paie a Jak Despaigne vadlet de la Chambre le Roi pur ces despenses vers lostel x s. Item paie a Thomas Bower vadlet de la chambre le Roi de doun le Roi pur ces despenses vers lostel xx s. Lxviii s. viij d.

Item le ix iour de Novembre le x iour de Novembre et le xj iour de Novembre le xij iour de Novembre le xiiij iour de Novembre le xiiij iour de Novembre illoeqes ces iours rien en issue Ces vj iours rien en issue.

le xv iour de Novembre illoeqes paie a Johan Nakerer le Roi de doun le Roi nunciant Johan Harsik xx s. paie a Roger de Wodeham vadlet de la chambre le Roi qe porte lark le Roi de doun le Roi par comand v s. paie a Wille de Donstaple et Wille Fisser pages de la chambre le Roi pur eux acheter de soudlers de doun le Roi par comand ix d. xxv s. ix d.

le xvj iour de Novembre a Weston sur Trente rien en issue

Le xvij iour de Novembre a Brigford empris Notyngnam paie a mestre Hugh Cole Feure quaoit enporte au Roi diuers hathes pur Carpenters de doun le Roi par son comand par nunciacion Syme lawe L s. paie a William de Couedene qe porta au Roi present de doun le Roi par nunciacion Johan Harsik x s. Lx s.

Le xviii iour de Novembre a Gaynesbourgh paie a Symond Lespicer de Gaynesbourgh pur L polles de frene achatez de li par comand le Roi par Johan de Carleford pur skalftres et sprees pur Niefs iij s. x d. et pur cariage de mesme ceaux de bois tanque leawe de Trente v d. paie a Andreu Rosekyn pur ij auirons pur batz le Roi illoeqes achatez xij d. v s. iij d.

Le xix iour de Novembre a Chastel de Thorne ce iour rien en issue

Le xx iour de Novembre illoeqes paie a x peschours de dit Thorne qe pescherent en la presence le Roi et pristrent grosses Luces grosses anguilles et autre pesshoun a grante plente de doun le Roi par les meyns monsire Johan Lesturmy xx s. paie illoeqes a Robyn Chaundeller vadlet de la Chambre le Roi pur Lx lb. de cire achatez par le dit Robyn et le dit monsire Johan a Donecastre par comand le Roi pur faire ent Torches tortz priketz et chaundell pur seruir loustel monsire Hugh le Despenser le fiz pris chescune lb. vj d. xxx s. L s.

Le xxj iour de Novembre a Euerwyk paie a Adam Fairman de Cawode pur un bat qil dona au Roi mesme come il passa par ewe par Cawode vers Euerwyk de doun xx s. paie au dit Adam pur batillage et passage des grantz chiuaux le Roi passantz par diuers foitz a dit Cawode vers Euerwyk de doun le Roi v s. paie a Johan de Benteleye gardein des grantz chiuaux monsire Hugh le Despenser le fiz pur iornantz a Kelkefeld si qil mette sa diligence qe les diz chiuaux soient bien gardez de doun le Roi par nunciacion Piers Bernard c s. vj li. v s.

Le xxij iour de Novembre paie a William Gardiner pur eux peres achatez de lui pur moudre askernes et mandez au manoir de Couwyk xx d. paie

a William de Boghale pur ij autres peres pur moudre enuoiez a dit Couwyk xvij d. Item paie a monde quarell vadlet de la chambre le Roi pur diuerses choses achatez par le dit Monde par comandement le Roi cest assavoir pur ij barilz de piz pur niefs achatez a Hull x s. a dit Monde pur iij barilz de tar pur niefs achatez illueqes pris de chescun baril v s. vj d. xxij s. paie au dit Monde pur j duzeme de rosine pur Niefs pris chescune dozeme v d. v s. paie au dit Monde pur v^{xx} cerkes pur reis ij s. vj d. a dit Monde pur batillage et portage des choses auantditz de Hull a Euerwyk vj d. xLij s. ij d.

Le xxiiij iour de Nouembre illoeques paie a Syme Lawe vadlet de la chambre le Roi a Tuttebury le xiiij iour de ceste mois daprest sur accompte par comandement le Roi pur ascunes priutez le Roi faire xL s. Les queux deniers le dit Symme acompta ceo iour auoir paie les deniers auantditz a Robert Bere Tanner de Notyngham pur tanner L quirs des boefs et vaches pur faire ent herneis pur chiuaux charetters et autres diuers necessaires qe le Roi voudra de ceo ordiner xL s. si ouel. Item paie a monsire Giles Beauchamp chualier de la chambre le Roi de doun le Roi x martz viij li. xij s. iij d.

Le xxiiij iour de Nouembre illueques paie a Huchoun le Despenser le fiz punez de doun le Roi pur li achater diuers necessaires par nunciacion Johan Harsyk c s. Item paie a Johan de Dalton pur ceo qe le dit Johan estoit en aidaunt a mestre Robert de Baudok a Ryuaux quant les Escoz feurent en le mois Doctobre lan present de doun le Roi en sa presence x marc paie a mestre Piers le plomer sergeaunt de la chambre le Roi de doun le Roi pur ses despenses vers lostel xx s. xij li. xij s. iij d.

Item le xxv iour le xxvj iour et le xxvij iour de Nouembre illueques ces iij iours rien ⁴

Le xxix iour de Nouembre illueques paie a monsire Guiles Beauchamp de doun le Roi par son comandement pur ses despenses vers Gales
x marks

Le v iour de Decembre a Cowyk paie a Johan Burnet pur un bat achate de li en la presence le Roi quant il passa Deuerwyk vers Couwyk pur le kel dount Hugh Poit est mestre x s. paie a Andreu Rosekyn pur un haunger de xxx teises achate pur le dit kel iij s. paie a frere Richard de Bliton aumoner le Roi pur pastre L poures femmes donant a chescune de eux pur un repast ij d. augmoigne le Roi viij s. iij d. paie a Thebaud de Barton pur un kel plein de plastre de Paris de pois de xxx toneux de vin achatez par le dit Thebaus a Gaynesburgh pur reparailler les manoirs le Roi de Couwyk et Templehurst xL s. Lxij s. iij d.

Le vij iour de Decembre a Hatheseleye paie a William Brayn parker a Pounfruit de doun le Roi vj s. viij d. paie a frere Wautier de Mordon frere carme qe le Roi oiast souvent la messe le dit Wautier en la chapele de Templehurst de doun le Roi par les meyns Symme Lawe liuerant a lui les deniers xL s.

⁴ Down to this point the transcript of the journal has been complete; from now onwards only the most important portions of the journal will be given.

Item le xix iour de Decembre illueques paie a Jack Stillego vadlet ma dame la Royne qe porta lettres au Roi de ma dite dame de doun le Roi x s. paie a Janekyn vadlet monsire Robert de Kendale qe porte lettres au Roi du dit monsire Robert qe Robert Lewer fu pris de doun le Roi xL s. paie a frere Richard de Bliton augmoner le Roi pur faire distribucion pur lalme Robert le Barber monsire Hugh le Despenser le fiz qest a dieu comande par les mains Phelipot des armes xx s. paie a Reynald cordiwaner de Sneyth qe fist botes et bache pur le Roi de doun le Roi iij s. paie a mestre Johan Cole feurer le Roi pur feer et asser achatez par le dit Johan par comandement le Roi par diuers foiz et ceo iour les perceles moustrez au Roi mesme et paieiz par comandement le Roi et en sa presence en la forge de Templehurst vij s. j d. iiij li. j d.

Item le xxiiij iour de Decembre la veille de Noel paie a Johan de Yhokes-hale esquier monsire Hugh le Despenser le fiz qe fust pris par les enemis Descoce de doun le Roi pur lui achater chiuaux et herneis c s. paie a Robert aillewra mariner le Roi du doun le Roi par nunciacion sire Thomas de Useflet xx s.

Item le ij iour de Janyuer illueques paie a Jack de Cressing vadlet de la chambre le Roi de doun le Roi pur ses despenses vers lostel par nunciacion Johan Harsyk xx s. paie a Johan de Bolton portant lettres au Roi de North de monsire Antony de Lucy de doun le Roi par comandement xx s. xL s.

Item le v iour de Janyuer a Couwyk paie a Andreu Donemouth carnauner le Roi pernant garde as chiuaux carnauners pernant chescun iour pur ses gages ij d. par comandement le Roi Cest assauoir del xij iour de Septembre tanque le xxviiij iour de Decembre par cviiij iours le primer iour et le darrein acomptez et ceo par nunciacion sire Thomas de Useflete xviiij s. paie a Johan Cole feure le Roi de doun le Roi xL s. Lviiij s.

Le vj iour de Janyuer illueques paie en la presence le Roi et monsire Hugh en la chapele le Roi de manoir de Couwyk a Robert de Horsele fiz monsire Roger de Horsele conestable le Roi du chastel de Baumburgh en partie de paiement de c mars qe le Roi est tenuz a dit monsire Roger pur la garde del dit chastel de Baumburgh del an xv^o darrein passee et ceo fu la cause pur qei le dit monsire Roger fust ore paietz pur ceo qil mettroit sa bone diligence qe monsire Andreu de Hertcla contrariaunt au Roi feusse hastiuement pris cinquante mars L mars

Le vij iour de Janyuer illueques paie a iiij clers de Sneyth iuantz entre-ludies en la sale de Couwyk deuant le Roi et monsire Hugh de doun le Roi par les mayns Harsik liuerant a eux les deniers xL s. paie a Piers Bernard husher de la chambre le Roi de doun le Roi xx s. paie au Roi mesme pur iewer a dees iij s. Item paie a monsire Johan Lesturmy seneschal de la chambre le Roi et autres esquiers de la chambre mandez priuement es busoignes le Roi pur lor despenses sauntz autre mencion faire par comandement le Roi Lxxij s. vj li. xv s.

Item le xiiij^e iour de Janyuer a Thorne paie a Andreu Rosekyn pur ses despenses vers lostel de doun le Roi xx s. paie a Johan de Waltham pur ij salmons qe le Roi prist de li a Thorne par le monsire James Daudele

paiant a li les deniers de doun le Roi paie a monsire William de la mote chivalier le Conte de Kent qe vint au Roi del dit Conte en priue message del doun le Roi par les mayns Johan Harsik liuerant a li les deniers c s.

Item le xx iour de Janyuer . . . paie a frere Johan ambriz et a son compaignon freres prechors de Fraunce de doun le Roi par les mayns sire Richard de Ayremynne portant le priue seal reseuiant les deniers xL s.

Item le iiij iour de Feuerer a Northwell paie a Rees ap Griffith priue esquier de la chambre le Roi qe porta au Roi de sa baillie Lx li. de doun le Roi et en la presence le Roi x li.

Le xiiij iour de Feuerer illueques paie a Laurentin piper ministral le Roi de doun le Roi xx s. paie a Monde Smyth qe fust ascun temps feure le Roi et ore est porter de Wyndesore de doun le Roi pur ses despenses vers lostel xx s. paie a Alis la fille Alice de Brunne qe vint de Euerwyk a Pounfruit oue ceruoise de present au Roi par sa mere de doun le Roi v s. xLv. s.

Item le ij iour de Martz paie a Sire Esmond de Ramesbury chaplein le Roi de doun le Roi par nunciacion sire Thomas de Useflete xL s. paie a frere Wautier iadis compaignon frere Richard de Bliton aumoigner le Roi de doun le Roi pur le achater un abit xx s. paie a Johan de Dalton qe porta noueles au Roi qe monsire Andreu de Ercla fust pris de doun le Roi xx s. [iv li.]

Gages des Mariners le Roi

Paie a Johan de Bonyngbourghe mariner le Roi et mestre del noir kel od Moriz Brid Johan Bred et Adam Bolt ses trois compaignons mariners pernanz chescun de ces iiij iij d. chescun iour pur lor gages Cest assauoir del xxiiij iour de Novembre taunqe le xxvij iour de mesme le mois par v iours le primer et le darrein acomptez x s. paie a dit Johan et a ses iiij compaignons pernanz chescun iij d. le iour come auant pur lor gages del xij iour de Decembre taunqe le xxiiij iour mesme le mois par xiiij iours le primer et le darrein iour acomptez a Euerwyk le xxvj iour de Decembre xiiij s. paie a dit Johan et a ses iiij compaignons pernanz come auant del xxv iour de Decembre taunqe le xxj iour de Janyuer par xxvij iours le primer et le darrein iour acomptez a Culyngham mesme le iour xxvij s. paie au dit Johan et a ses trois compaignons pur lor gages del xxij iour de Janyuer tanqe le iij iour de Feuerer par xiiij iours le primer iour et le darrein acomptez a Newerk le dit iij iour xiiij s. Lix s.

Gages des portours de la Chambre le Roi

Paie a Richard plastrer de Kyngeston pernanz chescun iour de feste et autre iij d. pur ces gages del viij iour de Novembre tanqe le ix iour de Janyuer par Lxiiij iours le primer iour et le darrein acomptez par queu temps il ad este tute foitz ouerant par la ou le Roi ad este a Couwik le dit ix iour de Janyuer xv s. ix d. Item paie a Richard Crabbe portour de la Chambre le Roi pernanz auxi iij d. le iour par les ditz Lxiiij iours ouerant tutefoitz par la ou le Roi ad este xv s. ix d. . . . Item a sire Piers de Pulford clerc de la Chambre le Roi esteant a Templehurst par comand le Roi sur lapparaillement et la fesure dune Nief appelle la Blithe de Westmonster dont William ponche serra mestre pur quele Nief faire et

apparaillément le dit sire piers ad paieiz a diuers gentz par diuers foiz cest assauoir pur gages des carpenters des Niefs gages des feures ship bord merin sem Need clowes et autres necessaries achatez pur la dite Nief com piert par endenture fait entre le dit Sire Piers et William ponche des parcelles des custages faites del xxix^e iour de de (sic) Decembre lan present xvj^e tanque le xiiij^e iour de martz lan auantdit xvij li. xiiij s. xij d. ob.
xvij li. xiiij s. vij d. ob.

Des queux xvij li. xiiij s. vij d. ob. le dit piers ne resceut de William de Langele qe xiiij li. vj s. viij d. Et si sont duwes a dit Piers de Pulford par acompte faite ouesqe li a Knaresbourgh le primer iour de marts lan present xvj^e
iiiiij li. vj s. xj d. ob.

Item le xij iour de Nouembre a Tuttebury liuere a Johan de Carleton clerk du priue seal le Roi enuoiez de Tuttebury es parties de Gales od gentz des armes et gentz a pee appursewere Robert Lewer contrariant le Roi daprest par comand le Roi sur acompte rendre xx li. Et le dit Johan acompta en la presence le Roi et monsire Hugh auoir paieiz pur les gages des gentz auantnomez par acompte fait ouesqe le dit Johan a Couwyk le vj^e iour de feuerer lan present
xx li. viij s. x d.

Deniers liurez daprest et sur acompte rendre lan present xvj^o

Item le xxviiij iour de Decembre a Euerwyk liuere a sire Geffrei de Edenham clerck gardein des manoirs de Sandhall et Faxflet daprest sur acompte rendre pur achater estor et autres diuers necessaries appartenanz les deniers pur bailler a dit Sire Geffrei
xx li.

Item liuere a Esmond quarell vadlet de la chambre le Roi a Euerwyk le xxviiij iour de Nouembre lan present xvj^e par les meins Jany Bertelmewe mariner le Roi portant a dit Esmond Deuerwyk a Hulle les deniers par comand le Roi pur puruiance des bledz faire es parties de Brustwyk en Holdernesse pur estorer les manoirs le Roi cest assauoir de Couwyk Hatheleseye et Templehurst daprest sur acompte rendre
xx marks

Item le xij iour de Nouembre a Tuttebury liuere a sire Richard de Wyrcestre chaplein le Roi mande oue monsire Esmond frere le Roi Counte de Kent pur ces despenses faire de dit Tuttebury vers les parties de Gales daprest sur acompte rendre en la presence le Roi et de dit monsire Hughe pur seure le dit Robert Lewer
xx li.

Item le xvj^e iour de Nouembre a Weston sur Trente liuere a Colle de Derby mande en Gales oues Lx hommes au pee chescun oue Atketon Bacynet et gauns de plate pur seure le dit Robert en la maner come auant est dit daprest sur acompte rendre par comandement le Roi
x marks

Item le xiiij iour de Janyuer a Couwyk liuere a Sire Richard de Louthe clerck mande de dit Couwyk es parties de Cardoil en priue bosoigne le Roi pur prendre monsire Andreu de Ercla contrariant le Roi daprest sur acompte rendre
xx li.

Le xxvij iour de ffeuerer a Knaresbourgh liuere a Wautier Bower de Saresbury pur puruiance des arks as mains faire pur garnesture du chastel Desturgoil en Gales qe est a monsire Hugh le Despenser le fiz daprest sur acompte par comand le Roi
xL s.

The Passages of the Alps in 1518

It seems well to reprint below the text of an exceedingly rare little French book by Jacques Signot, which bears the following long descriptive title :

La totale et vraie description de tous les passaiges, lieux et destroitcz, par lesquels on peut passer et entrer des Gaules ès Ytalies. Et signamment par où passèrent Hannibal, Julius Cesar, et les tres chrestiens, magnanimes, et tres puissans roys de France, Charlemaigne, Charles viii, Louys xii, et le très illustre roy François à présent regnant premier de ce nom.

This is the first of several short treatises—the others refer to cardinals, patriarchs, archbishops, and bishops—written by a certain Jacques Signot, of whom nothing is known save that (as he tells us himself in his text, under the fifth pass) he himself accompanied Charles VIII to Naples in 1494–5. It is the earliest known systematic account of the passes of the Alps (though including only those from France to Italy), was often utilized and summarized by later writers, and for very many years formed the chief source of the knowledge of the passes between France and Italy.

I owe most of the following bibliographical details to my friend Monsieur Henry Duhamel of Grenoble. The first edition was published in 1507 at Paris by Eustache de Brie (small 8vo, 28 leaves) as an appendix to the *Crònique de Gennes avec la totale description de toute Ytallie*; two later undated editions are known, one printed at Paris in small 8vo (48 leaves), and the other in 4to, by Michel Le Noir. It first appeared as a separate work at Paris in 1515, the publisher being Toussaint Denys, and then included 28 numbered pages and 12 unnumbered, all in small 4to—this edition was accompanied by a map of Italy (on which nine of the ten passes described are named, the 'Mont de Pragella' or Col de Sestrières being omitted).¹ The second separate edition is dated 1517 (and contains the map), while two later issues, dated 1518 and 1520, have not the map; all these three editions were published at Paris by Toussaint Denys.

In 1912 I ascertained that the British Museum possesses a copy of the 1518 edition, as well as copies of two (later) undated

¹ The text of the 1515 edition was reprinted at Grenoble in 1885 by Monsieur Maurice Merceron in vol. x of the *Annuaire de la Société des Touristes du Dauphiné*, who also there reproduced the Alpine portion of the map—the entire map is reproduced between pp. 393 and 394 of H. F. Delaborde's work entitled *L'Expédition de Charles VIII en Italie* (Paris, 1888). As the Grenoble reprint is practically inaccessible to English readers, we make no apology for reprinting the very little known text.

editions. But no copy of any edition was then to be found in the Bodleian Library at Oxford, in the Cambridge University Library, or in the Library of the Royal Geographical Society. I bought my own copy of the 1518 edition in Paris in March 1906 for 180 francs (700 francs was asked at that time for a copy of the *Cronique de Gennes*). The text printed below is that of the 1518 edition (which is practically identical with that of the 1515 edition), the contractions having been extended. In this edition the 'Description' fills 8 of the 40 8vo pages, all numbered on one side only.

Sensuyt la totale et vraye description de tous les passages, lieux, et destroitcz, par lesquelz on peult facilement entrer et passer des parties de Gaule que nous disons maintenant France ès parties de Italie. Et signamment par où jadis passèrent Hannibal, Julle César, Charlemaigne et le très victorieux Roy Charles huitiesme. Et semblablement par où passa dernièrement avec toute son armée le très puissant, très prudent et magnanime Roy Loys douzième de ce nom, que Dieu absoille, et le très illustre Roy François à présent regnant, premier de ce nom.

LE PREMIER PASSAIGE

Et premièrement pour aller desdictes parties de Gaule ès Italies il y a plusieurs et divers chemins et passages tant par le pays de Savoye, du Daulphiné, Marquisat de Saluces, que semblablement du pays de Provence, commençant dès la frontière d'Allemaigne, et finissant à la rivière du Var, joignant et entrant en la mer ligustique, qui est la limite de la mer thyrrénée, environ une lieue par deça la cité de Nyce au bout de Provence.

Et pour entrer par le pays de Savoye audict pays Dytalie il y a trois passages.

Le premier passage est par le mont Saint Bernard, aultrement appellé le mont Jou.² Apres l'on descend au val Daouste.

LE SECOND PASSAIGE

Le second passage est par le val de Tharentaise, et de là on va passer au mont Jouvet.³ Apres on descend en la vallée Daouste, et se jointt le chemin avec le précédent en ladite cité Daouste. Et par là l'on dit que Hannibal entra audit pays de Italie quant il alla guerrier contre les Rommains. Et dure ladicte vallée environ quinze lieues, et jusques au lieu de Bar,⁴ où il y a ung merveilleux passage, qu'on dit que ledit Hannibal feist faire, en rompant la montaigne à force d'engins, de feu, et de vin aigre, ainsi comme il est escript et insculpé contre le Roch d'icelluy passage. Et l'appellent lon communément le Pas de Hannibal. Et dit on qu'il y perdit ung oeil par force de froidure. Combien que aucuns hystorographes dient que ledit Hannibal passa par le mont de Genesve,⁵ et qu'il perdit l'oeil en ung marescaige auprès des Alpes au mont Apennin

² The Great St. Bernard.

⁴ Fort Bard.

³ The Little St. Bernard.

⁵ The Mont Genève.

de Pérouse. Et environ demye lieue delà dudict passaige commence ledict pais Dytalie en ung pont qu'on dit qu'Octovien feist faire pour la vraye limite Dytalie. Lequel pont est faict et construit de merveil- leuses grosses pierres. Et maintenant on l'appelle le pont Saint Martin. Après l'on treuve Septime Viton.⁶ Et de là on va à la cité Divrée,⁷ Apmeron,⁸ à Cavalla,⁹ à Sancia,¹⁰ à Saint Germain,¹¹ à la cité de Verseil.¹² Et après on entre en la duché de Millan.

La rivière de Cerf¹³ départ les Vercellois et les Millanois. Et vient ladicta riviere du costé de la montaigne de Couzoulle, près Crèvecueur,¹⁴ et passe à costé de Verseil, et puis entre à la rivière du Pau au-dessoubz de la Mote en Vercellois.¹⁵ Et de auprès du mont Saint Bernard part la rivière du Rosne, c'est assavoir d'une montaigne qu'on appelle le Fourre¹⁶ en Vallois. Et après s'en va passer dedens le lac de Lausanne et de Genesve par le pays de Savoye. Et à Lion par le Daulphiné, et puis en Avignon. Et après passe entre les pais de Provence et Languedoc, et s'en va tumber dedens la mer par deux grandz bras d'eaue, l'un va sur dextre devers Aiguemorte. Et l'autre bras dudict Rosne va sur main gauche devers le port de Bouc, près lisle de Martinée.¹⁷

LE TIERS PASSAIGE

Le tiers passaige est par le val Saint Jehan de Morienne, qui s'en va au mont Senyz. Après on descent au lieu de la Ferrière et à la Nouvalaise. Et de là on va à la ville de Suse qui est une aultre entrée audict pais Dytalie.

Et par ledict mont Senyz passa le roy Charlemaigne quant à la requeste du Pape Adrian il s'en alla en Italie pour faire la guerre à Desydere,¹⁸ roy des Lombars, qui lors estoit ennemi et persécuteur de la Sainte Eglise Rommaine. Lequel Desydere Charlemaigne assiégea à Pavie. Et puis le subjuga. Et après s'en alla à Romme, où il fut très honorablement reçu par ledit pape Adrian qui estoit accompagné de cent et liii prélatz. Lequel Adrian par le consentement de tout le clergé donna audict Charlemaigne de moult beaulx et grandz privilèges. Et entre les autres luy donna pouvoir et auctorité d'eslire le Pape et de ordonner du Saint Siège Apostolique. Et avec ce luy donna la dignité de patrice et le constitua protecteur et défenseur général de l'Eglise. Ainsi qu'il est plus aplain escript et déclairé ès saintz decretz et croniques de France.

Et depuis à la requeste du pape Léon, qui fut successeur dudit Adrian, ledict roy Charlemaigne retourna en Italie, et s'en alla à Romme, là où il délivra ledict pape Léon de la captivité des Rommains. Lequel puis après le couronna et feist Empereur des Rommains, ainsi qu'il est plus au long escript esdicts saintz decretz et croniques de France.

Aultres passaiges qui sont par le Daulphiné, Marquisat de Saluces et pays de Provence.

⁶ Settimo Vittone.

⁷ Ivrea.

⁸ Vivarone.

⁹ Cavaglia.

¹⁰ Santhia.

¹¹ San Germano.

¹² Vercelli.

¹³ The Cervo.

¹⁴ The Col del Croso and Crevacuore.

¹⁵ Motta de Conti.

¹⁶ The Furka Pass.

¹⁷ Martigues.

¹⁸ Desiderius or Didier.

LE IIII PASSAIGE

Le mont de Genesve¹⁹ qui est en Briançonnois est le meilleur et le plus aisé passage, mesmement pour la conduite de l'artillerie. Et de tous les autres n'y a celui par lequel on la peust faire passer, fors seulement par icelluy passage. Et fault premièrement aller à Grenoble. Et en partant de là il y a troys chemins pour aller audict mont Genesve. Le premier se prent sur dextre qui va à Vif, au monastère de Cleremont²⁰ en Trièves. Et de là on va passer par le mont de la Croix Haute. Lequel lieu où est posée icelle croix est inaccessible.²¹ Et dit on que ladicte croix a été apposée sur icelle montaigne miraculeusement. Après on descend en la ville Deyne,²² et de là on va à Gap et à la Bastie nove²³ qui est à monsieur de Gap.²⁴

L'autre chemin, qui est le plus court environ d'une journée est plus commun. Et est de ladicte ville de Grenoble au port²⁵ de Jarrie, à Champs, à Lafrey, à Petit Chat, à Pierre Chastel, à La Mure, qui est à monsieur de Dunoy. Après on va passer au Pont Hault, à Chardeno, et à Beaumont,²⁶ qui est ung peu à costé, à Corp, à Saint Eusebe, et à Saint Bonnet en Champsaur, qui souloit estre duché et à présent ledict Champsaur n'est que simple chastellenie. Et à ung quart de lieue par delà le pont Saint Bonnet il y a deux chemins. L'un se prent sur la main dextre qui va en Laye. Après on passe par le Col de Chauvet²⁷ et de là on descend en la ville de Gap et va on en ladicte Bastie nove. Et l'autre chemin se prent au delà dudict pont Saint Bonnet sur gauche, qui va à Saint Laurens du Croc. Après on passe le Col de Manse²⁸ et à La Rochette, et descend on à ladicte Bastie nove. Et est ledict chemin plus court que le précédent environ de deux lieues. Et de ladicte Bastie on va à Cheorges, et de là à Embrum, qu'on dict estre la plus haute cité du monde.²⁹ Après on va à Chasteau roux, à Saint Clement, à Saint Crespin. Et de là on va passer au Pertuiz roustin,³⁰ à Saint Martin de Querrières et à Briançon. Et à une lieue par delà est le mont Genesve.

Encoires il y a ung autre chemin qui se prent sur main gauche au partir de la ville de Grenoble, qui est plus court que les précédents de une journée, combien qu'il est fort difficile. Et passe l'on par Malle Val.³¹ Et premièrement l'on treuve Vezilles,³² après Le Chilingue,³³ le Bourg dei Saint Lout,³⁴ le Villart Daraines.³⁵ Et de là on va passer au Col de

¹⁹ The Mont Genève.²⁰ Monestier de Clermont.

²¹ Here Signot confounds the *pass* of the Croix Haute (3,829 ft.) with the remarkable *peak* of the Mont Aiguille or Montagne Inaccessible (6,880 ft.), on which in 1492 Antoine de Ville, seigneur de Domjulien et de Beaupré, had planted a cross; see my work entitled *Josias Simler et les Origines de l'Alpinisme jusqu'en 1600*, Grenoble, 1904, p. 14**.

²² Veynes.²³ La Bâtie-Neuve.²⁴ The bishop of that see.²⁵ Ford.²⁶ St. Laurent de Beaumont.²⁷ Now called Col Bayard (4,088 ft.).²⁸ 4,160 ft.²⁹ It is really but 2,854 ft. above sea-level.³⁰ The defile of the Pertuis Rostan.³¹ The gorge of Malaval, leading up to the Col du Lautaret.³² Vizille.³³ Sechillienne.³⁴ Bourg d'Oisans, of which the church is dedicated to St. Laurence.

³⁵ Villard d'Arène, no mention being made of La Grave, which in old documents is, however, named 'Arenae inferiores'.

Lauteret.³⁶ Après est le monastère de Briançon,³⁷ et comme dict est ledit mont de Genesve est à une lieue par delà.

Du mont de Genesve partent deux rivières de deux fontaines qui sont au plus près l'une de l'autre, dont les bonnes gens du pais dient que c'est Dure³⁸ et la Durance, dont l'une tire en Piémont, et l'autre en Provence. La Dure va à Suze en Piémont, et passe près de la ville Davillaine³⁹ et au-dessous de Rivolle,⁴⁰ et après la cité de Thurin elle tombe dedens la rivière du Pau. Et la Durance vient du costé de Daulphiné, et vient passer à Briançon, et à costé Dembrun, et à Cisteron⁴¹ en Provence. Après elle tombe dedens le Rosne près Avignon.

LE V PASSAIGE

A la descente dudict mont de Genesve l'on treuve le lieu de Sezanne.⁴² Et au partir de là il y a deux chemins pour entrer au pais Dytalie. Le premier est sur dextre qui va passer par le mont de Pragella,⁴³ et de là à Mantulles,⁴⁴ qui est la dernière place de Daulphiné devers iceluy costé. Après on entre par le val de la Pérouse en Piémont.

L'autre chemin est dudict lieu de Sezanne à Oux, à Salla Bertain,⁴⁵ et à Essille.⁴⁶ Et là on laissa en garde l'artillerie du roy Charles viii au retour de son voyage de Naples. Après est le lieu de Chaumont,⁴⁷ et à ung demy quart de lieue par delà est l'entrée du pais de Piémont sur ung petit ruisseau qu'on appelle la Gravière,⁴⁸ qui vient du Col de Fenestre. Et à une lieue par delà est ladicte ville de Suze. Par ce dernier passaige du mont Genesve passa le roy Charles viii de ce nom, quant il alla aux Italies pour la conqueste et recouvrement de son Royaulme de Naples et Sécille. Lequel feist. Et après ladicte conqueste et que ledict roy s'en retournoit par deça il obtint une très glorieuse victoire à l'encontre des Vénitiens et leurs aliéz auprès de Fournouve⁴⁹ sur la rivière de Tharo⁵⁰ en Permasenne⁵¹. En quoy faisant il rompit la puissance des Vénitiens et de leurs aliéz, lesquelz à la vérité dire estoient bien six contre ung François. Dont l'honneur et la victoire (grâces à Dieu) demoura au roy, lequel n'y perdit environ sinon six vingtz hommes des siens : et au regard des ennemis il y en demoura de cinq à six milles mors sur le champ par la relation mesmes et raport desdicts ennemis. Entre lesquelz y furent tuéz le seigneur Radulpho de Gouze,⁵² oncle du marquis de Mantoue, et xiiii aultres capitaines et conducteurs de l'armée desdicts Vénitiens. Et ce fait ledict seigneur s'en retourna victorieux en France. Et repassa par ledict mont de Genesve.

De ladicte victoire par les lettres et diligence de Jacques Signot, compositeur de cette présente description, furent advertiz les gens du roy qui estoient demouréz audict royaulme de Naples. Et de long temps après n'eurent aucunes nouvelles dudict seigneur, fors que par le moyen des lettres dudict Signot lequel estoit demouré en la terre du duc de

³⁶ 6,808 ft.

³⁹ Avigliana.

⁴² Césanne.

⁴⁵ Salbertrand.

⁴⁸ The Gravère.

⁵¹ In Parmesan territory.

³⁷ Le Monestier de Briançon.

⁴⁰ Rivoli.

⁴³ The Col de Sestrières.

⁴⁶ Exilles.

⁴⁹ Fornovo.

³⁸ The Dora.

⁴¹ Sisteron.

⁴⁴ Mentoulles.

⁴⁷ Chiomonte.

⁵⁰ The Taro.

⁵² Gonzaga.

Ferrare pour advertir ledict seigneur du fait de ses ennemis, comme il feist par deux fois. La première fois fut à Pontelonguo⁵³ par delà Brassello, et l'autre ung jour avant la bataille. Et furent adressés les messagiers à Monsieur de Piennes⁵⁴ pour en advertir ledict seigneur.

LE SIXIESME PASSAIGE

Il y a encoires au delà de Embrum environ trois lieues une petite ville qui est à monsieur de Embrum,⁵⁵ qu'on appelle Guillestre. Ung aultre passaige, car il y a deux chemins pour aller en Italie. L'un se prend sur gouche, qui va par le val de Queyras, et au long de la combe du Vayer⁵⁶ là où il fault passer quinze ponts en moins de cinq lieues. Et trouvent on premièrement le Chasteau de Queyras, et à ung quart de lieue par dela y a encoires deux aultres chemins. L'un va sur dextre au lieu Daguilles et à Sainct Véran. Et puis on passe par le Col de Laignel,⁵⁷ et va on au Chasteau Darlesin,⁵⁸ qui est la dernière place de Daulphiné. Et de là on entre au marquisat de Saluces par le val de Varaité, ou par le val de Mayre,⁵⁹ qui est une aultre entrée au pais de Italie.⁶⁰

Puis naguères la manne est tumbée en ladicte valée de Queyras, laquelle on disoit estre semblable et en la façon et manière que estoit celle que Dieu envoya aux enfans Disrael au désert, si comme il est escript au xvi chapitre de Exode.

Encoires il y a ung aultre chemin qui se prend sur main gauche par delà ledict Chasteau de Queyras, qui va au lieu de Abriès en Aristolas.⁶¹ Après on monte incontinent au Col de la Croix. Et à la descente on entre au val de Luserne audit pais de Piemont.

LE VII PASSAIGE

Entre lesditz deux derniers passaiges il y a un nouveau passaige bien merveilleux pour entrer au pais Dytalie. C'est assavoir par ung pertuiz qu'on a fait à costé et joignant le mont Vissol par une montaigne qu'on a percée tout oultre, puis xiiii ans en ça. Et dure environ ung traict d'arbalestre ledit pertuiz. Et après on descent par le val du Pau au marquisat de Saluces en Piémont. Et prent on le chemin pour aller audit pertuiz au dessus par ung lieu nommé le lieu Daristolas sur dextre. Et comme dit est ledict passaige est tout joignant du mont Viros, qu'on dit estre la plus haulte montaigne de Italie.⁶² Et de là part la rivière du Po,

⁵³ Pontelongo.

⁵⁴ Louis de Hallwin, seigneur de Piennes, a trusted counsellor of Charles VIII, and his envoy to the Italians after the battle of Fornovo; he is mentioned several times by Philippe de Comynes.

⁵⁵ The archbishop of Embrun.

⁵⁶ The village of Le Veyer is a little below Château Queyras and gives its name to this bit of the Guil valley.

⁵⁷ The Colle dell' Agnello or Col de l'Agnel.

⁵⁸ Château Dauphin.

⁵⁹ Maira, to which the Col della Bicocca (7,510 ft.) leads over from Château Dauphin.

⁶⁰ From Guillestre, by way of the Col de Vars (6,939 ft.) and the Col de Mary or Maurin (8,708 ft.).

⁶¹ Ristolas, a hamlet higher up the Guil valley than Abriès.

⁶² Monte Viso (12,609 ft.), the pass of the Traversette being 9,679 ft., and the mouth of the tunnel 115 ft. lower.

qui passe par le milieu de Lombardie. Et après s'en va tumber par trois grans bras d'eau qui passent en Ferrare dedens le gouffle de Venise, qui est la mer Adriatique, entre la cité de Ravenne et de Chirge,⁶³ distant environ d'une journée de Venise.

LE VIII PASSAIGE

Item il y a encoires un aultre passaige pour entrer audit pais Dytalie. C'est assavoir par le Col de Largentière, qui est en la terre nove de la conté de Nyce qui souloit estre du pais de Provence.⁶⁴ Et fut baillée en gaige pour certaine somme d'argent qu'on dit de lx mille escuz au conte Vert pour lors comte de Savoye.⁶⁵

Pour aller audit col de Largentière ceulx qui viennent du costé de Guienne, Languedoc et Avignon, fault qu'ilz prennent leur chemin Davignon à Carpentras, au Bois,⁶⁶ au Col de Perche,⁶⁷ au val de Pierre,⁶⁸ à Taillart,⁶⁹ à la Bréouille⁷⁰ en Provence. Après il faut passer le Pas de Lozet⁷¹ qui est un merveilleux passaige. Et entre l'on au val de Mont,⁷² à Méolans, à Bersellonne,⁷³ à Jaussier, à Meyronnes, à Larche, et à une lieue par delà est ledit mont au Col de Largentière.

Aussi au delà de Embrun audict lieu de Guillestre l'on peult bien prendre un aultre chemin sur le dextre par le Col de Vare.⁷⁴ Et après l'on descend en ladicte vallée de Mont à Sainct Pol,⁷⁵ et de là l'on va audit lieu de Meyronnes, de Larche, et ledict Col de Largentière est après.

Et la descente de la montaigne du Col de Largentière commence le val Esturanne⁷⁶ au lieu de Bresies.⁷⁷ Après l'on trouve les lieux de Pierre Porc,⁷⁸ le Sambuc,⁷⁹ Vanay,⁸⁰ De mont,⁸¹ qui est au seigneur de Cental,⁸² subject du Roy à cause de sa conté de Provence. Et par là il y a une aultre entrée au pays de Italie en Piémont. Et pour aller en la rivière de Gennes après ladicte ville De mont l'on prent le chemin sur dextre à la ville de Conny, et de là l'on va à la Marguerite, au Mont Denys,⁸³ au marquisat de Cève⁸⁴ qui est au duc Dorléans. Et de là on va au marquisat de Final⁸⁵ dont le marquis est subject de Monsieur à cause de deux places qu'il tient de luy, c'est assavoir Salisay⁸⁶ et Muriallette⁸⁷; ou ung pou l'on laisse sur main dextre ledict marquisat de Final et va l'on le grant chemin de Savonne qui se prend de ladicte ville de Cève à Millesime⁸⁸ et Le Carquevene⁸⁹ et à la Cita qui est la maison du Carret,⁹⁰ mais elle est en la main du seigneur⁹¹ du marquis de Montferrat et ladicte cité de Savonne est à sept milles par delà.

⁶³ Chioggia.

⁶⁴ The Ubaye valley finally became part of the county of Nice in 1388.

⁶⁵ Amadeus VI, who reigned from 1343 to 1383.

⁶⁶ Le Buis.

⁶⁷ Berche or Perty.

⁶⁸ Orpierre.

⁶⁹ Tallard.

⁷⁰ La Bréole.

⁷¹ Lauzet.

⁷² The upper Ubaye valley.

⁷³ Barcelonnette, or the little Barcelona, refounded in 1231 by Raymond Berenger IV, count of Provence and Barcelona.

⁷⁴ Vars.

⁷⁵ St. Paul.

⁷⁶ Stura.

⁷⁷ Berzesio.

⁷⁸ Pietraporzio.

⁷⁹ Sambuco.

⁸⁰ Vinadio.

⁸¹ Demonte.

⁸² Centallo.

⁸³ Mondovi.

⁸⁴ Ceva.

⁸⁵ Finale.

⁸⁶ Saliceto.

⁸⁷ Murialdo.

⁸⁸ Millesimo.

⁸⁹ Carcare.

⁹⁰ ? Caretto or Cairo, both on the high road over the Colle d'Altare to Savona.

⁹¹ The Emperor.

La Rivière Desture part dudit Col de Largentière et s'en va entrer dedens le Tanne⁹² au dessoubz de la ville de Queyras⁹³ en la comté Dast.⁹⁴ Et puis passe joignant la cité Dast. Et après s'en va par le meillieu Dalexandrie,⁹⁵ depuis s'en va tomber dedens le Po, auprès de Bessiqnana⁹⁶ en la duché de Millan.

LE NEUFVIESME PASSAIGE

Le pénultième passage pour entrer par les pais du roy de France ès Italies est par la rivière du Var en Provence à une lieue près de la cité de Nyce sur la mer. Et audict Var selon la description de Blondus et de plusieurs autres hystoriographes ce commence le pays de Italie et se départ en deux chemins. L'un va sur la main dextre, et au long de la mer et de la Rivière de Gennes qui commence près Nyce et Villefranche qui sont à Monsieur de Savoye de montjugo.⁹⁷ Après l'on trouve la Tarbie,⁹⁸ Mentin,⁹⁹ Vintmille,¹⁰⁰ Saint Remol,¹⁰¹ Taige,¹⁰² Albingue,¹⁰³ Porto Morise,¹⁰⁴ le Val, Dunnville,¹⁰⁵ Final, Noli, le port cité de Vay,¹⁰⁶ la cité de Savonne, Sextrideponant,¹⁰⁷ Veultri,¹⁰⁸ Saint Pierre Darnnes¹⁰⁹ et la cité de Gennes est après.¹¹⁰

Jullius César au retour qu'il feist des Gaules et de la Grand Bretagne, lesquelz ou la pluspart il reduist à l'obéissance des Rommains, retourna en Italie par ledit chemin de rivière de Gennes. Et auprès de ladite Tarbie il feist faire ung bel Arc Triumphal de grosses pierres, et une haulte tour qui encoires y est en signe de victoire et de perpétuelle mémoire que ledit César avoit passé par là, et aussi que tous les allans et venans par ce chemin le peussent veoir.

LE DIXIESME PASSAIGE

Le dernier passage se prent au partier de ladite ville de Nyce sur main gauche, qui va passer par le mont du Col de Tende, dont le comte est subject au Roy à cause de sa comté de Provence. Et trouvent l'on après Nyce la Sarenne,¹¹¹ Lespel,¹¹² Saourges.¹¹³ Et de là l'on va à Tende, et y a des mauvais et pervers chemins, tellement que à peine les asnes et mulets qui portent le sel de la gabelle de Nyce y peuvent passer.

A la descente dudit Col de Tende commence le plain pays au lieu

⁹² The Tanaro.

⁹³ Cherasco.

⁹⁴ Asti.

⁹⁵ Alessandria.

⁹⁶ Bassignana.

⁹⁷ These two words are very puzzling, unless they simply mean that they are included in the domains ('sous le joug') of the house of Savoy. They *may* possibly have something to do with the undoubted fact that in 1501 the heiress of the county of Tenda was married to René, the Great Bastard of Savoy, who was slain at the battle of Pavia in 1525. 'Subjugo' might then be explained as meaning around the pass (the Col de Tenda), so that in a sense a junior branch of the house of Savoy might be said to hold this region. But René does not seem ever to have had possession of Nice and Villefranche.

⁹⁸ Turbia.

⁹⁹ Mentone.

¹⁰⁰ Ventimiglia.

¹⁰¹ San Remo.

¹⁰² Taggia.

¹⁰³ Albenga.

¹⁰⁴ Porto Maurizio.

¹⁰⁵ Val d'Oneglia.

¹⁰⁶ Vado.

¹⁰⁷ Sestri Ponente.

¹⁰⁸ Voltri.

¹⁰⁹ San Pier d'Arena.

¹¹⁰ The order of some of these towns, e.g. Albenga and Porto Maurizio, Voltri and Sestri Ponente, is inverted.

¹¹¹ L'Escarène.

¹¹² Sospel.

¹¹³ Saorge.

de Limon.¹¹⁴ Et de là on commence à porter par chariotz ledit sel jusques sur la rivière du Po, à Casalgiass,¹¹⁵ entre Poulonne,¹¹⁶ et Pancalier en Piémont.

Et tous les passages dessus dictz commencent dès la frontière Dallemaigne, et durent jusque à la mer Ligustique, qui est la limite de la mer Tyrhenum, et n'y en a plus d'autres passages.

A few pages after this treatise, Signot gives an itinerary from Paris to Rome by the Mont Cenis, of which the mountain bit (on p. xiv b of the 1518 edition) may be here printed :

De Chambéry à Montmelian
 De Montmelian à Hespuebelle (i.e. Aiguebelle)
 De Hespuebelle à la Chambre
 De la Chambre à Saint Jehan de Morienne
 De Saint Jehan de Morienne à Saint Julien
 De Saint Julien à Oreille (i.e. Orelle)
 De Oreille à Saint Andry (i.e. St. André)
 De Saint Andry à Tresmignon (i.e. Termignon)
 De Tresmignon à Lasnebourg (i.e. Lanslebourg)
 De Lasnebourg on monte le Mont Seniz
 Puis on treuve [i.e. traverse] le Mont Seniz (à) la Ferrière
 De la Ferrière à Suze
 De Suze à Villiane (i.e. Avigliana).

The following notes aim at stating simply what was the political allegiance in the early sixteenth century of each of the chief passes enumerated in the text; the others are wholly in Dauphiné, i.e. France since 1349 (1355).

1. The *Great St. Bernard* (8,111 ft.) was, as now, half Savoyard, half Vallaisan (or Swiss).

2. The *Little St. Bernard* (7,179 ft.) was then (and till 1860) entirely Savoyard.

3. The same remark holds good of the *Mont Cenis* (6,893 ft.).

4. The *Mont Genève* (6,083 ft.) was then wholly French, for Dauphiné (annexed to France in 1349-55) included the upper valley of Susa, which only passed to Savoy in 1713 by the treaty of Utrecht, after which the pass became half Savoyard.

5. The *Col de Sestrières* (6,631 ft.), leading from Césanne past Fénestrelles through the Chisone valley towards Pinerolo, was, like the Mont Genève, wholly French from 1349 (1355) to 1713, when it became wholly Savoyard, as the upper Chisone valley was then ceded by France. Pinerolo was held by the French from 1536 to 1574, and again from 1630 to 1695.

¹¹⁴ Limone.

¹¹⁵ Casalgrasso.

¹¹⁶ Polonghera.

6. The *Col de l'Agnel* (9,003 ft.), leading from Guillestre in the upper Durance valley to Château Dauphin or Casteldelfino in the upper Varaita valley, was wholly French from 1349 (1355) to 1713, for Château Dauphin had belonged to Dauphiné since the early thirteenth century. The lower Varaita valley or the marquisate of Saluzzo was held by the French from 1488 to 1490, from 1524 to 1525, from 1529 to 1537, from 1560 to 1579, and from 1581 to 1588; it was formally ceded to Savoy in 1601 in exchange for Bresse, Bugey, and Gex.

The *Col de la Croix* (7,576 ft.) is still the great line of communication between Dauphiné and the chief Waldensian valleys of Piedmont, largely peopled from Dauphiné. A hospice was built on the pass as early as 1229, while the pass itself was half French (from 1349 to 1355) and half Waldensian, though these valleys were often occupied by the French.

7. The famous tunnel (9,564 ft.) under the *Col de la Traversette* (9,679 ft.) is now known to have been pierced between 1478 and 1480 by Louis II, marquess of Saluzzo, aided by Louis XI of France, the object being to exchange the salt of Provence for the rice and oil of Italy. It is still in existence. The pass shared the political fortunes of Saluzzo as regards its eastern slope, and of Dauphiné as regards its other slope.

8. The *Col de l'Argentière* (6,545 ft.) was completely Savoyard from 1388 (when the valley of Barcelonnette came into the possession of Savoy) till 1713, when by the treaty of Utrecht it passed to France in exchange for the upper Susa valley, the upper Chisone valley, and Château Dauphin. Since 1713 it has been half French and half Savoyard. It was much used by the house of Savoy between 1388 and 1713, as it afforded an easy means of communication between Piedmont and its outlying valley of Barcelonnette.

9. This is not properly a 'pass' at all, but a 'passage' along the shore of the Mediterranean.

10. The *Col de Tenda* (6,145 ft.) has long been wholly Savoyard, for Cuneo passed to that house in 1382, the counts bought up (1419 and 1426) the rights of the local lords of Briga and Limone (thus securing the pass itself), and obtained the county of Tenda (i.e. the pass and the upper Roja valley) in 1575. *Naturally* the route over the Col de Tenda leads down the Roja valley to Ventimiglia. But, as the lower portion of the Roja valley did not become Savoyard till 1814 (being held first by the counts of Ventimiglia, and later by Genoa, from 1483 to 1488 and finally from 1505 to 1814), the usual route from the Col lay across two low passes to Nice, these being the Col de Brouis (2,749 ft.), from the Roja valley to Sospello, and the Col de Braus (3,278 ft.), thence to L'Escarène and Nice. Hence historically

the Col de Tenda was from 1388 (when the county of Nice came to Savoy) till 1860 (when the same county passed to France) the direct 'All Savoy' route from Cuneo to Nice, thus serving, like the Argentière, to connect Piedmont with one of its outlying possessions beyond the Alps. Note that in 1860 the upper and the middle reaches of the Roja valley became French, but *not* the lower portion of that valley—a political state of things which has greatly influenced the commercial geography of the lower Roja valley.

W. A. B. COOLIDGE.

The Date and Authorship of Redmayne's 'Life of Henry V'

IN the *Memorials of Henry V* published in the Rolls Series in 1858 there is a Latin *Life of Henry V*, by one Robert Redmayne, which is often quoted as of independent authority among the sixteenth-century chronicles of English history in the fifteenth century. The editor, Mr. C. A. Cole, in the Preface¹ was unable to give any information about the author except that which is contained in the dedication, which begins, 'Honoratissimo et illustrissimo domino Hastings, Huntingtoniae Comiti, domino suo optimo, Robertus Redmannus ἐνπράττειν,' and is signed at the end, 'Robert Redmayne.' To the identity of this earl of Huntingdon we have but one clue—the sentences in which Redmayne explains why he has dedicated the book to him.

'Impius essem', he writes,²

si apud me grati animi fidelis memoria non valeret, cum divina tua beneficentia, ac singularis quaedam nec unquam laudata satis benevolentia, tanta promerita in patrem meum contulerit; quem multis negotiis praefecisti, dum in septentrionali regionis parte gubernacula tractares, et communione sanguinis mihi coniunctissimos per te ampliores esse voluisti. Hoc humanitatis tuae fuit, consulere eorum commodis et utilitati salutique communi servire.

From this Mr. Cole thinks³ that

the conclusion may be safely arrived at that George Hastings, third Baron Hastings and [first] Earl of Huntingdon, is the person meant; and that allusion is made to the fact that in the year 1536 the Earl had held an appointment in the royal army as one of the King's Lieutenants against the Northern rebels, on the occasion of the formidable insurrection which attended the suppression of the monasteries. As, moreover, the Earl is recorded to have died in the year 1544, the writer may with equal safety be pronounced to have flourished towards the close of the reign of

¹ p. ix.

² p. 5.

³ pp. ix-x.

Henry VIII and his work to have been composed between 1536, the period of the Earl's tenure of office in the north, and 1544, the year of that nobleman's death.

He also suggests in a footnote⁴ that 'it is within the limits of possibility that this writer may have been the same Robert Redman who printed the Primer in English and Latin, in the year 1537,' better known, perhaps, as the printer of law books. Could this identification be made 'with safety', it would not only fix the date of the *Life*, since Robert Redman the printer died in 1540,⁵ but it would also enhance its historical value; for although Hall's *Chronicle* was not published till 1542,⁶ the form in which Redmayne relates the story of Prince Henry and the chief justice⁷ and sets forth the arrangements made for the defence of the northern marches during the campaign of 1415 agrees almost verbally with Hall's.⁸ Moreover, he embellishes his work quite in Hall's manner, with erudite speeches, full of allusions to Greek and Roman history and of misquotations or adaptations from the Latin poets, such as those attributed to Archbishop Chichele and the duke of Exeter during the alleged debate on the French war in 1414.⁹ So close, indeed, is the resemblance between Redmayne's *Life* and Hall's *Chronicle* in these points that Mr. Kingsford,¹⁰ in criticizing the *Life* as a literary curiosity of no value as history, expressly states that for the story of the prince and the chief justice, and the pretended debate, the writer was probably indebted to Elyot and Hall, thereby giving the priority of date to Hall. In this case, the printer could not be the writer of the *Life*, which would have to be assigned to the months between the appearance of Hall's *Chronicle*, in 1542, and the death of the first earl of Huntingdon, in 1544.

This date, however, depends on the identification of Redmayne's patron with the first earl of Huntingdon; and it may be asked whether his connexion with the government of the north was really such as could be described as *in septentrionali regionis parte gubernacula tractans*. It began in the first week of October 1536, when the duke of Suffolk was sent as the king's lieutenant against the commons of Lincolnshire, who had risen in rebellion on 30 September, and the earls of Shrewsbury, Rutland, and Huntingdon, and other lords and gentlemen having land thereabouts, were appointed to assist him.¹¹ The three earls were still at Nottingham waiting for the levies of the midland shires to

⁴ p. ix.

⁵ *Dict. Nat. Biogr.*, s. v.

⁶ Kingsford, *English Historical Literature in the Fifteenth Century*, p. 261 n.

⁷ p. 11.

⁸ pp. 37-8; cf. Hall, p. 59. The chief difference lies in the addition of reviling of the Scots, such as would be natural in a north-country man.

⁹ pp. 25 ff.

¹⁰ *Op. cit.*, p. 69.

¹¹ *Letters and Papers of Henry VIII*, xi, no. 651.

join them, when the king ordered them (15 October) to go into Yorkshire to aid Lord Darcy against the rising which had begun there on 30 September.¹² Three days later (18 October), Darcy being closely besieged in Pontefract, the duke of Norfolk was made the king's lieutenant in the north, with Shrewsbury, Rutland, and Huntingdon as his assistants.¹³ At Doncaster, however, Norfolk found his passage barred by 40,000 men, who were prevented from overwhelming his force of 8,000 men only by the swollen state of the river making even the fords impassable. Norfolk gladly used the chance thus afforded him to treat with the rebels on 26 October; and four days later he was back at Grantham with his army and the men chosen by the northern lords and commons to lay their demands before the king himself.¹⁴ Huntingdon of course accompanied his superior officer, and by 26 November he was at his own house at Ashby-de-la-Zouche.¹⁵ Norfolk returned to the north in December to meet the rebels again at Doncaster and accept their terms in the king's name, and again in January 1537 he went to York to govern the north as the king's lieutenant with the help of the king's council in the north, but on neither occasion did any of the earls who had been with him in October accompany him.¹⁶ Huntingdon, therefore, was in Yorkshire for not more than a fortnight, and during this time he was never north of Doncaster. Moreover, he was never the king's lieutenant, but merely an officer on the general's staff, and not the most important officer, for his name always ranks after those of Shrewsbury and Rutland in official letters. Clearly, *in septentrionali regionis parte gubernacula tractans* cannot describe the part played by the first earl of Huntingdon in the north.

It would, however, be a perfectly proper way of describing the position of his grandson, Henry Hastings, third earl of Huntingdon, who, as lord president of the council in the north from August 1572 to his death in December 1595,¹⁷ had supreme authority, administrative and judicial, beyond the Trent for nearly a quarter of a century. As such, he was really in a position to entrust many affairs to Redmayne's father and to consult the interests of his kinsmen while serving the state. Equally appropriate to a noted puritan, whose care it was to stamp out recusancy and to further the cause of true religion, is the sentence preceding those already quoted from the dedication

Te nihil vulgare unquam delectavit, cuius curae cogitationes evigilarunt, ne opinionum inanitas verae pietatis cultum deleret, aut improborum scelus rempublicam, in cuius administratione praeclare te gesseris, dissiparet.

¹² *Ibid.*, no. 715.¹³ *Ibid.*, no. 766.¹⁴ *Ibid.*, nos. 909, 921.¹⁵ *Ibid.*, no. 1171.¹⁶ *Ibid.*, no. 1410; xii, pt. 2, no. 202 (2).¹⁷ *Cal. of State Papers, Dom.*, Add. 1566-79, p. 424; Lansdowne MS., 79, no. 40.

Nor are there wanting indications in the *Life* itself that it was written, not in the last years of Henry VIII's reign, but in the second half of Elizabeth's. Mr. Cole himself remarked on the use of the word *Papistae* (p. 18), and pointed out that 'the mode in which it is employed—*greges Papistarum*—bears strong testimony, were any wanting, to the anti-romanist tendency of Redmayne's convictions'. That tendency, in fact, comes out very clearly in the treatment of Oldcastle's story,¹⁸ in narrating which Redmayne, unlike Hall but like Foxe, shows admiration of the Lollards and hatred of those *nefarii et perditii homines*, the priests who brought him to his death. A man would not have been so bold as to write, so rash as to accept, a book upholding the Lollard leader who resisted all his sovereign's efforts to change his opinions, in the very years when the Statute of Six Articles was being enforced against all who would not accept the king as the keeper of their consciences. Things were different when Foxe's *Book of Martyrs*¹⁹ had made Oldcastle a hero of the protestant cause, and the Elizabethan settlement had made it safe to avow anti-romanist views. It is also noteworthy that if the writer derived the story of Prince Henry and the chief justice from Elyot's *Governour*, the pretended debate on the French war and the arrangements for the defence of the northern marches from Hall's *Chronicle*, and his conception of Oldcastle from Foxe's *Martyrs*, he almost certainly derived from Walsingham, whose *Historia Anglicana* was first printed by Archbishop Parker in 1574,²⁰ his accounts of the storm at Henry V's coronation²¹ and of the special charge brought against Oldcastle at St. Albans, of contempt for the Virgin and the Saints.²²

The relationship of Redmayne's *Life* to these works, and notably to Walsingham's *Historia*, gives us 1574 as the year before which it could not have been written. In the same way the author's statement that his purpose was to rescue from oblivion and silence the fame of Henry V, which was then growing old, makes it unlikely that he began his work after the appearance of Holinshed's *Chronicle* in 1578.²³ Thus we are brought to 1574-8 as the time within which this *Life* was most likely written, the later date being more probable than the earlier, since Redmayne writes of Huntingdon's government of the north in a way that suggests that his presidency had already lasted for several years when the dedication was written.

The author, whoever he was, in spite of his erudition, was neither an antiquary nor a professed historian. Rather he was

¹⁸ pp. 15 ff.

¹⁹ First published in English in 1563.

²⁰ Kingsford, *op. cit.*, p. 18.

²¹ p. 12; cf. Walsingham *Hist. Anglic.* (Rolls Series), ii. 290.

²² pp. 17-18; cf. Walsingham, ii. 326.

²³ Kingsford, *op. cit.*, p. 271.

a man of affairs who found that 'the most honorable delight of leisure, when the mind is at rest from the wrangling of courts and the press of civic business, is to journey through all antiquity by reading'.²⁴ None, he thought, should be held worthy of praise who go to and fro in their own land as though wandering in a foreign country, ignorant of the great things that their ancestors have done at home and abroad.²⁵ For him history was an art rather than a science; and although he took pains to discover and record the facts, he would not have appreciated Stow's maxim: 'In histories the chief thing that is to be desired is truth.' Hence his work is, as Mr. Kingsford says, a literary curiosity rather than a history, nineteen, or nearly half, of its forty pages being given to speeches supposed to have been delivered on different occasions by Henry V, Oldcastle, Chichele, and others, all of which are obviously the work of the author himself, who displays in them his own scholarship, elegant and comparatively pure use of Latin, and wide acquaintance with the poets and philosophers of antiquity. It may have been that, as he says, he wished to rescue the fame of Henry V from oblivion and silence, but he also wished to prove himself a scholar, at once learned and elegant, worthy of the favour of an influential nobleman. In short, his *Life of Henry V* was probably just one of those compositions by which young and ambitious men then sought to gain the patronage of great nobles and men of affairs. It was by similar means that Sir John Ferne, secretary to the council in the north (1595-1609), first commended himself to the notice of Lord Sheffield,²⁶ and through him to that of the Cecils, whose protégé he became;²⁷ and it is most likely that Robert Redmayne, having finished the course of study required for the career he had chosen, whether the church or the bar, wrote this *Life of Henry V* to show how well he had profited by it, and dedicated it to the lord president of the north, who had already shown favour to his father and kinsmen by employing them in public affairs there. If he thus sought advancement, he must have been either a common lawyer or a civilian, for it was only in connexion with the work of the council in the north as a court that the lord president now had any profitable offices to bestow.²⁸

Was there, then, contemporary with the third earl of Huntingdon a Robert Redmayne with northern connexions whose university and legal training might justify him in hoping for employment in the north? There certainly was. Robert Redmayne, LL.D., commissary for the archdeaconry of Suffolk,

²⁴ p. 3.²⁵ p. 4.²⁶ By *The Blazon of Gentry*, 1578; Wood, *Athen. Oxon.*, III. ii. 85.²⁷ State Papers, Dom., Eliz., ccliii, no. 80; *Hatfield Cal.* ix. 228-9.²⁸ State Papers, Dom., Add. Eliz., xxiii, no. 59; State Papers, Dom., Jac. I., cl, no. 28.

1586-8, and chancellor of Norwich, 1588-1625, belonged to a branch of the Redmans of Levens and Harewood that had settled in Lancashire, perhaps at Gressingham, or it may be at Ireby.²⁹ The Redmans, both of Yorkshire and of Lancashire, had played a part in the government of the north for over two hundred years; and at this very time at least three men connected with the Gressingham branch of the family were active in northern administration: John Redman of Fulford,³⁰ who as a justice of peace in the East Riding was often employed by the lord president in administrative work; his brother-in-law, William Robinson, who was Lord Mayor of York in 1581 and 1594;³¹ and his cousin, Sir John Gibson, D.C.L., of Ireby, commissary to the chancellor of York, a judge of the prerogative court, and the civilian member of the council in the north, 1574-1613.³² The little that we know of the chancellor tends to support the suggestion that he was the writer of the *Life*. His epitaph describes him in terms equally applicable to the author of the *Life*:

Nulli sui ordinis fuit secundus, omnium ornamentum; qua prudentiam, qua pietatem, eruditionis omnimodae varietatem, memoriae felicitatem, iudicii maturitatem, morum suavitatem, vitae integritatem, et in omni re gerenda mirandam dexteritatem, vir fuit spectatissimus.³³

Again, it is, as Mr. Cole points out, 'remarkable that Redmayne is found, though a protestant, speaking in terms of reprobation rather than otherwise of the confiscation of ecclesiastical revenues proposed by the lollards in 1414.'³⁴ Yet approval of protestant doctrines and disapproval of the confiscation of ecclesiastical property would be equally natural in a civil lawyer with an ecclesiastical practice such as Dr. Redmayne must have had. Lastly, we have the evidence of the Latin motto with which the *Life* ends, *Sine sanguine nulla trophaea*, which is simply a translation of the motto of the Redmans of Harewood, *Sans sang nul victorie*, a translation, moreover, that the chancellor used as his

²⁹ Blomefield, *History of Norfolk*, iii. 634, 638; cf. *The Genealogist*, xiii. 136. Redmayne's arms were, 1 and 4, Gules, 3 cushions ermine, tasselled or (Redman); 2, gules, a lion rampant arg. (Aldeburgh); 3, azure, a fess between 3 martlets (Aslaby; or perhaps Franke: see no. 44 on plate of arms in Harewood Church, facing p. 127 of W. Greenwood's *Redmans of Levens and Harewood*).

³⁰ Son and heir of Richard Redman of Gressingham, who died 12 June 1579. John's eldest son Matthew was born in 1578: Greenwood, *op. cit.*

³¹ William Robinson, who died 1610, aged 82, married Isabel Redman, daughter of Richard Redman of Gressingham: *The Genealogist*, xxii. 176.

³² State Papers, Dom., Add. Eliz., xxiii, no. 59; Pat. 7 Jac. I, p. 2. Sir John Gibson was the son of Thomas Gibson of Ireby and the daughter of — Redman of Gressingham. As Sir John's eldest son was born in 1575, his mother was probably Richard Redman's sister: *The Genealogist*, xxii. 36.

³³ Blomefield, *op. cit.*, x. 310.

³⁴ pp. xx, 25.

own motto.³⁵ It can hardly be believed that there were living at the same time two men of the same name with the same tastes and opinions and using the same motto.

This identification also agrees well enough with the date we have suggested for the *Life* (1574–8); for the chancellor was 74 when he died in 1625,³⁶ and so was twenty-three at the earliest possible date for the composition of the book, twenty-seven at the latest. It may be noticed in favour of the later date that Thomas Eynns, secretary to the council in the north from 1550 to 1578, died in August 1578,³⁷ and it may well have been with the hope of obtaining his place that Redmayne wrote the *Life*. If so, he was disappointed; for Eynns's successor was George Blythe, who had been acting as his deputy since 1574,³⁸ and as a matter of fact no Robert Redmayne ever held any office under the council in the north.

In connexion with this possible disappointment of the author's hopes of preferment at York, we may note that there is no evidence that the *Life* was ever printed, nor even that the manuscript was ever presented to the earl of Huntingdon. Certainly the only existing copy, now part of the Gale Collection of Manuscripts in the library of Trinity College, Cambridge, cannot have been intended for presentation to a patron. Mr. Cole describes³⁹ the manuscript, which is written in a hand of the close of the sixteenth or first quarter of the seventeenth century and very carelessly punctuated, as

a paper small octavo, sewed on parchment slips, and bound in a calf binding of the early part of the seventeenth century. It contains one hundred and thirty leaves, the first thirty-six of which are closely written upon both sides; at the end of which, there is an hiatus in the volume, some leaves which had been written upon having been torn out; and the marginal remains of the writing disclose a style of penmanship altogether different in character from that in the manuscript itself. The remainder of the leaves are blank.

There are also, although the manuscript does not reveal it, two gaps in the text itself, which passes abruptly from the midst of the siege of Harfleur to the field of Agincourt on the eve of the battle (p. 43), and from Henry V's marriage-treaty in 1420 to his dying speech in 1422 (p. 58). If the handwriting is not the author's, the gaps may be due to the copyist. If it is—a point that might be determined by comparison with authentic letters of his—the existence of these gaps, taken with the succinct treatment of the few facts narrated after 1415—the last six years of the reign

³⁵ Blomefield, *op. cit.* iii. 634; Greenwood, *op. cit.*, Plate of Harewood arms.

³⁶ Blomefield, *op. cit.* iii. 634.

³⁷ Pat. 4 Ed. VI, p. 5; Drake, *Eboracum*, p. 496; Harl. MS. 1088 fo. 29.

³⁸ Lansdowne MS. 18 fo. 196.

³⁹ pp. xxvii–xxviii.

being compressed into ten pages, of which three are given up to rhetorical speeches—suggests that Redmayne, when less than half-way through his task, gave it up, and contented himself with linking on to the part already finished the elegant speeches that he had prepared and was reluctant to destroy. In other words, the Trinity College manuscript may be, not a late copy of a lost original as Mr. Cole supposed, but the original itself.

The point is, however, of small importance, for if the *Life* was written so late as 1574–8, and in the circumstances here suggested, it is clearly of no value as a source for the history of England in the fifteenth century, in spite of its unique account of Sigismund's reception at Calais (p. 49),⁴⁰ and it should no longer be quoted as an authority, albeit a poor one, for the reign of Henry V. Nevertheless, it has a value of its own for students of later Tudor history, not only as an illustration of an educated Elizabethan's estimate of Henry V and Sir John Oldcastle twenty years before Shakespeare's genius fixed popular opinion, but also as an interesting attempt to reconcile the claims of the persecutor and the persecuted to equal admiration, since the one was becoming the hero of England's military greatness and the other was already the martyr of her earliest striving after religious freedom.

R. R. REID.

The Privy Council Registers

IN a short note on the *Lords' Journals* and the Privy Council Register, published in the April number of this Review, Professor Pollard suggested that the series of volumes of the Privy Council Register which Sir John Dasent printed are not originals, but merely copies from some lost original. This suggestion he based on the discovery in the *Lords' Journals* of entries of appearances before the privy council made on 11 and 12 October 1597; these two entries he supposes to be the only fragment preserved of the lost original, which, as he points out, could not have consisted merely of the rough notes of the clerks, for the appearances in the *Lords' Journals* distinctly state that they are 'here entered in the Register of Council'. What Mr. Pollard, then, would seem to imply is that the Privy Council Minutes passed through three stages before they reached the state in which we now possess them: first in the clerk's rough notes,

⁴⁰ It is not impossible that Redmayne may have derived this story partly from Walsingham's account of the coming of Henry and Sigismund to Calais after the latter's visit to England, and partly from the same source as he derived his statement that Henry V offered 1,000 marks of gold for Oldcastle's capture (p. 17) and his suggestion that he escaped from the Tower by bribing his guards (*ibid.*)—that is, his own imagination.

then in the more finished form represented by the entries discovered in the *Lords' Journals*, and finally in the copy which is now in the Record Office.

Before this theory can be confirmed or refuted it is necessary to examine the misplaced entries as they appear in the manuscript Journals, with a view to determining exactly how they got there. As the entries purport to be made in the Privy Council Register itself there seem only five possible ways in which this misplacement can be accounted for. These we will consider in turn.

1. The fullness with which the two principal entries in the *Lords' Journals* are made negatives the suggestion that they are merely clerk's notes to be entered later in the register; entries dealing with matters of so purely formal a nature would surely have been given in a very abbreviated form in a rough note, and then expanded when they were entered up.

2. The hypothesis that they are on an actual page of the register as we have it, which was written, not in a bound book, but on unbound quires of paper which were bound up later, falls to the ground if it can be shown that the council minutes were actually entered in a bound book; and there is a great deal of evidence, direct and indirect, to prove that this was the case, at least as early as the reign of Queen Mary. Of course the mere fact that constant reference is made to a register of council causes, or to a council book, does not prove that a *bound* book was meant, for in the sixteenth century a quire of paper might be called a book; on 27 June 1576, however, there is a warrant to the Treasurer of the Chamber to pay 'unto the Clerckes of the Councell, or to the bearer hereof in their names . . . for a Register Boke viiiis'.¹ Also on 26 December 1590 there is a similar warrant to pay the Keeper of the Council Chest 'for a new Councell Booke, six shillings, eight pence';² there is another on 9 June 1625 to pay £6. 13s. 0d. for council books, &c.,³ and another on 28 May 1630 to pay £16 for charges incurred for council books, gilt paper, inkhorns, penknives, &c.⁴ These four warrants would seem to show that actual bound books were bought for the council register.

Several other facts confirm this conclusion. The only council register which still has its original binding is one covering the period from 1 January 1558 to 12 May 1559, after which date the clerk failed for some time to enter up his rough notes in the register; consequently there is a gap in the recorded proceedings of the privy council, and as the minutes during the

¹ *Acts of the Privy Council, 1575-7*, ed. Dasent, p. 150.

² *Ibid.*, 1590-1, p. 167.

³ Privy Council Register, 33, fo. 68 b.

⁴ *Ibid.*, 39, p. 824.

period indicated above fill less than half of the volume, the rest of the pages are left blank; this again supports the theory that the minutes were entered in a bound book and not on separate quires of paper. On 15 March 1589 there is a minute

of the said Orders established by the Lords for the reformation of abuses and misgovernemente in the said towne of Romney, which likewise remaineth in the Councill Chest, and is enregistered in the Booke of 1589, within six leaves of th' ende of the said Booke.⁵

On turning to the next volume, which covers roughly the civil year of 1589, the reference to these orders of the council is found as indicated above, six leaves from the end of the manuscript volume;⁶ this cross reference was almost certainly inserted when the second entry was made (they are in the same handwriting in the manuscript register), and the statement 'within six leaves of th' ende' could hardly have been made unless a bound book was referred to. Finally, in certain 'Notes concerning the King's Private Counsell', drawn up by Sir Julius Caesar on 31 October 1625, and embodying the practice and procedure of the privy council during the period in which Caesar had been a member of it, he says,

8. To wch purpose there hath been accustomed alwaies, that greate faire proper bookes should be provided, wherein all the actes of the Counsell should be written, and Copies of letters, and whatsoever that Table should ordaine, to be safely kept by one called the Keeper of the Counsell chest, to produce them when the Lords shall at any time call for the same.⁷

It is also interesting to note that when it was desired to revive the privy council at Brussels in 1658 it was ordered that 'the Clarkes of the Councill should bring in a Booke wherein all Acts of Councill should be entered for the future';⁸ further details enable us to identify this 'Booke' with the volume now known as the Privy Council Register 54. There is therefore considerable evidence during the whole of the period 1558-1658 to show that the privy council minutes were written into bound books, and not on to separate quires of paper.

To this conclusion, however, two objections have been advanced. It has been held that the longitudinal folds which appear with great regularity on the pages of almost all the Privy Council Registers of Elizabeth and James I indicate that these pages formed part of quires of paper which were thus

⁵ *Acts of Privy Council, 1588-9*, p. 101.

⁶ *Ibid.*, 1590, p. 5.

⁷ Add. MS. 34324, fo. 239. This manuscript was partly printed by Mr. Temperley in this Review for January 1913, but the article given above was omitted.

⁸ Privy Council Register, 54, p. 33.

folded for purposes of carrying or storing. There is not, however, the slightest doubt that these folds were simply made by the writer in order to render it easier for him to keep a straight margin, for if the writing ceases and the rest of the book is left blank, the folds cease also; ⁹ sometimes also an extra fold is made when a narrower margin is required,¹⁰ and ultimately ruled margins supersede the folds, and they are found no more.¹¹ Moreover, similar folds for a similar purpose are to be found in many other books of this period.¹² Therefore the existence of these folds is not incompatible with the assumption that the register was bound before it was written in.

The second difficulty is to be found in the order of 13 April 1632,¹³ in which it is stated that 'the Councill Booke of everie moneth shall by the Clerke attending for that moneth, have the tytle of everie order entered in the Margent', but this probably refers merely to that portion of the council register in which the entries for a particular month are made.

3. To suppose that these entries in the *Lords' Journals* are on a page torn from the register is to assume a not unexampled, however unusual, act of violence, of which no evidence remains, and for which there seems no reasonable motive. Moreover, by this explanation the blank pages in the register, as it is now, lose all their significance. As nothing definite can be deduced from the make of the paper, and both the *Journals* and the registers have been thoroughly trimmed and rebound, this solution of the difficulty cannot be absolutely refuted, though it can be said that it is an exceedingly unlikely one.

4. The supposition that the leaf in the *Journal* is the sole survivor of a lost original register introduces a third stage into the production of the council registers at the Record Office which does not appear to be supported by the evidence. If this 'original' had its mere formal entries—such as the appearances under discussion—word for word with the corresponding ones in the Privy Council Register, the two series of volumes must have been identical. There seems, however, no motive for such duplication; the hypothesis is merely put forward to explain the appearance of the entries in the *Journals*, and no corroboration of it has so far come to light, while it is, to say the least, unlikely that such an important series of volumes should have completely vanished. Moreover, this explanation suffers from a fault that it shares with the three that precede

⁹ *Ibid.*, 8.

¹⁰ *Ibid.*, 41.

¹¹ *Ibid.*, 44, and onwards.

¹² e.g. Auditors' Patent Book 11, which covers the period 1603–11. For this reference and for much other kind assistance I am indebted to Mr. Hilary Jenkinson of the Record Office.

¹³ Privy Council Register, 41, p. 514.

it—it assumes that the leaf in the *Journals* on which these appearances occur is foreign to the *Journals*, and appears there merely as the result of careless binding. As it is a single leaf (in common with many other leaves of the *Journals*) this cannot be absolutely disproved, but if it is merely an accidental insertion, there is a most remarkable coincidence in connexion with it. The notes of the session which immediately precede this leaf (that of 1572) are written on paper of a quality totally different from that used for the following session (1575), or for the preceding session (1571), and this leaf is of the same sort of paper as that used for the session of 1572, to which it would seem most properly to belong, for a blank page at the end of the session to separate it from the next is not uncommon. When it is remembered that all the explanations given above presuppose that the clerk in 1597 should use for this leaf exactly the same paper as was employed for the proceedings of the house of lords in 1572, and that furthermore this paper differed from that used for the *Journals* in 1571 and 1575, it will be seen that a striking, though not impossible, coincidence is postulated.

5. All these difficulties are swept away if the most rational explanation is accepted and the whole confusion is put down to mere accident. In October 1597 Sir Thomas Smith had just been appointed Clerk of the Parliaments, and he was already one of the Clerks of the Privy Council. It is not difficult to suppose that he had had the volume which contained the *Lords' Journals* for 1572 sent over to the 'little roome' adjoining the council chamber, where he and his servants sat and wrote,¹⁴ and that it was left lying open at the end of the session of 1572. One of his servants, seeing the open volume, which is almost identical with a Privy Council Register, both in size and general appearance, entered on the blank page the appearances for 11 and 12 October. Later on the error was discovered, and two blank pages were left in the council register, but the error was never rectified. This explanation demands no coincidence to make it possible, and involves nothing which is opposed to the facts in so far as they are known.

By the early years of Charles I the routine connected with the drawing up of the Privy Council Registers seems to have become well established. There were four clerks, each of whom attended the council for a month at a time, but two clerks were supposed to attend when the council was sitting,¹⁵ unless it was

¹⁴ Add. MS. 34324, fo. 239, art. 6.

¹⁵ Privy Council Register, 38, p. 2, orders of 20 February 1627/8, where considerable detail is given. As early as 1579 there were four clerks, each attending on the council for one month, for on 3 January of that year there is a record of the way in which they divided the year's attendances amongst themselves month by month. (*Acts of the Privy Council, 1578-80*, pp. 4-5.)

a close council, that is one at which the king was present, when no clerk was to be in the council chamber unless it were at the hearing of a public cause.¹⁶ This goes far to account for the many and often important council meetings that are not reported in the register. Part of the clerk's duty was to take a note in writing of any order that was agreed on, and then to read his note to the lords to see if he had gathered their exact meaning. If it was approved he was to draw up the order in full, and in any cause of importance, before it was entered in the council register, or delivered to the person whom it might concern, the draft was to be shown to and signed by the Lord President or one of the Secretaries of State;¹⁷ by an order of 27 May 1638, under certain circumstances orders were to be read again at the board before being issued.¹⁸ Thus the accuracy of the register was assured. Punctuality in keeping it entered up was aimed at by the rule that no order should be unentered for more than a week, and no letter for more than a fortnight after the end of a clerk's month of attendance.¹⁹ The title of each order was to be written in the margin and an index compiled.²⁰

As a result of this system it is found that after 1625 there is one predominant handwriting in the council register for each of four months, and at the end of the four months the four handwritings are repeated in the same order,²¹ though it does not follow from this that the Clerks of the Council wrote any of the register themselves; this was done by secretaries whom they employed, each clerk apparently having his own secretary. This is shown by the fact that in the margin of an entry made in one of the regular handwritings occurs this note, 'George More by name entred this',²² while a note in the same writing in the succeeding volume of the register is signed 'by me Geo. More'.²³

When the volumes of the registers were completed they passed into the custody of the Keeper of the Council Chest,²⁴

¹⁶ Privy Council Register, 40, 8 November 1630, pp. 152-5, art. 13-14.

¹⁷ *Ibid.*, art. 15. There is an interesting collection of these rough notes made by the clerk, to be entered later in the register, in a volume of loose papers bound together as Privy Council Register 6, and covering the period July-August 1553, May 1555-January 1558. (See Dasent's introd. to *Acts of the Privy Council, 1552-4*, pp. vii-xiii.)

¹⁸ Privy Council Register, 49.

¹⁹ *Ibid.*, 41, p. 218, 31 October 1631.

²⁰ *Ibid.*, p. 514, 13 April 1632.

²¹ In the arrangement of 1579 (see above) there is no such regular rotation, though numbers placed, at a later date, alongside the four clerks' names would imply that it was soon adopted; the handwritings in the registers, however, do not seem to vary in regular order till about 1625.

²² Privy Council Register, 38, p. 18, 11 March 1627/8.

²³ *Ibid.*, 39, on fly-leaf, and dated 20 March 1628/9.

²⁴ Add. MS. 34324, fo. 239, art. 8, quoted above, p. 700.

or, as he was sometimes called, Keeper of the Council Records, who had, in addition to the chests which contained miscellaneous council papers, a room wherein records might be stored.²⁵ His custody of the council books did not go unchallenged, for the untiring Thomas Wilson, writing to King James about 1622, complains bitterly that

the bookes and matters of Councell after a certaine tyme were wont to be brought into this place²⁶ (as by the establishmt they ought to bee) and there was noe more kept by the Keeper of the Councell Chest (as he was termed) then would goe into a chest moveable and portable upon all occasions of the Councells remove, nowe there are geven for them divers Roomes in your Mats. Pallace of Whytehall, and little of those matters are come into this office since your Mats. cominge to this Crowne.²⁷

But even in the custody of the Keeper of the Council Records the registers were not safe, and we find the privy council writing to the earl of Marlborough in 1630,

Yo^r Lordships Father in his lifytyme borrowed one of o^r Councell Bookes of the keeper of the Counsell Records, whereof hee often desired restitution, but by reason of his Lordships serious buisines the same was never restored. And therefore wee have thought good hereby to pray and require yo^r Lordship to cause the same to be looked out, and sent hether to the Councell Chamber with as much expedition as may be because there is present use of it.²⁸

We cannot wonder that some few of the council books are missing, and should rather rejoyce that so many have been spared.

E. R. ADAIR.

Heligoland in 1689

THE following memorandum, which is undated and unsigned, is numbered p. 178 in the volume S. P. Foreign, Denmark, 22, at the Public Record Office. It is entered directly after the correspondence of 1689. It is not mentioned by Molesworth, our ambassador to Denmark at that time. On the other hand, there are several references to it by Sir Paul Rycout, our resident at Hamburg; and not improbably it was drawn up under his supervision, and has been put in the wrong book by mistake. This is the

²⁵ Privy Council Register, 29, p. 250, 28 January 1617/18; where he is to be paid £10 for wood and coals expended during the last seven years in airing the room where the council records lie.

²⁶ The State Paper Office.

²⁷ State Papers, Dom., James I, cxxxv. 14*.

²⁸ Privy Council Register, 39, p. 818, 26 May 1630.

more likely, as it is endorsed 'Germany'. There are no signs that the project was ever seriously discussed by the English Foreign Office.

MARGERY LANE.

[Endorsed]

MEMORANDUM CONCERNING THE ISLAND OF HELIGELAND, 1689

The Duke of Holstein being restored hath great occasion of money & I am persuaded would mortgage Heligeland for raising ten thousand pounds st.¹ If his majesty please to lend soo much money upon it, I dare undertake to manage it here, & there's noo probability that if it should be mortgaged for 20 or 30 years it would ever be redeemed. The length of the Island from East to west is about ten English myles the Breadth from North to South about five Myles except the West End which is Nyne Myles over. Its situation is about Eight Leagues distance (in the Sea) from the rivers of Elve [Elbe], Weser and Eyder.

The Advantages might arrive to England from being possessed of this Island are as followeth,

In Tyme of Warr with any Foreign Prince or State a few smale Vessells lying under this Island might annoy & interrupt all commerce to & from any of the above mentioned rivers.

Most ships bound for the Elvè take in Pylotts there and the English have often tymes been severely exacted upon, those Pylotts being under noe regulation but make their charges suteable to the weather or inexperience of the Master and often tymes refuse to goe on board when they have hopes the ship may become a wrack upon that Island whereof the English have had sad experience. Many English ships that have bin lost there and the Loading saved, have had little benefit thereby, by reason of Extravagant salvage demanded, two thirds thereof pretended by the Duke of Holstein and the Inhabitants who divide the shares soe unequally that all is in a manner lost. The Light house upon this Island is kept at the charge of the City of Hamburg which being done by the Proprietor of the Island, a considerable advantage might be made.

The Ordinary Revenue is not above 800 Rix Dollars per annum neither is the charge great for the Duke kept only 12 souldiers upon it.

Fifty souldyers is judged a sufficient garrison to preserve the Island against the World.

If this Island should fall into the hands of any that should have warr with England, the haveing of Navall Provisions & Pipe staves from the Elve would be prevented, which wee usually had from thence when our ships could not freely passe the Sound.

The Interruption of the English Trade in generall by this Island's coming into any other hand that may hereafter be an enemy to England is very considerable.

¹ The duke of Holstein-Gottorp shared the *condominium* of the duchy of Schleswig with the king of Denmark. In 1676 the king drove him out of the duchy and sequestered it for his own profit. By the Treaty of Altona, made in 1689 under the auspices of the Emperor and of William III of England, the duke was restored to all his old rights and possessions.

*Some Letters from the Correspondence of
Sir Herbert Taylor*

THE following five letters, together with two others which are not thought to be of sufficient importance to be printed here, formed part of the large correspondence of General Sir Herbert Taylor (1775–1839), who was secretary to the duke of York, to George III, to Queen Charlotte, and to William IV. Sir Herbert Taylor left no son, and his large correspondence passed into the hands of his nephew, Mr. Herbert Edward Taylor, of Walmer, by whom these letters were presented to my mother just about fifty years ago. On my mother's death they became my property.

The recent publication of *The Taylor Papers* by Mr. Ernest Taylor, son of Mr. H. E. Taylor, recalled to my mind the existence of these letters, which I had almost forgotten. The originals have been presented to the Bodleian; but before presenting them I took careful copies of them. These copies I offered in the first instance to Mr. Ernest Taylor, in case he might care to use them for a volume supplementary to *The Taylor Papers*. He did not, however, see his way to use them in this manner, and they are now presented to the readers of the *English Historical Review*.

I am no specialist in the Napoleonic wars, and in the identification of some of the proper names I have had the help of my friend and colleague, Mr. R. B. Mowat, fellow of Corpus Christi College, Oxford.

C. PLUMMER.

I

Dublin Castle, Feby 22^d, 1801.

Private.

Sir,

The time is now drawing near when I am to retire from the Government of this Island, and probably from all political situation and public life.

Much as I desired to be relieved from the office of Lieutenant of Ireland, I could have wished that the circumstances of my retreat had been more auspicious; but however erroneous my judgement may have been, I trust that His Majesty will believe that in recommending the measure of which He has so highly disapproved,¹ I have been actuated by no other motive than a desire to strengthen his hands against his numerous enemies, to secure the loyalty of three millions of his subjects, and to put ² an end to the cruel horrors which have so long afflicted, and have latterly gone very near to overwhelm the country, which in the hour of extreme danger He was pleased to commit to my charge.

Your Royal Highness has been constantly informed of my opinions, and of all the steps which I have taken in the Military part of my duty,

¹ Catholic Emancipation.

² Here, at the foot of the first page, is the address: His Royal Highness, the Duke of York.

and as I shall soon have the honor of paying my respects to you in person, I shall not now enter into any details on that subject.

Of the General Officers, on whom I am sorry to acknowledge that the civil Government of the Country has principally depended, I must in justice report that they have been very observant of my commands, and have conducted themselves with great discretion and moderation, and have formed a striking contrast in the minds of the people to the conduct of those Magistrates to whose violence and prejudices they have so long been accustomed.

If it should be intended that the Military command on my departure should devolve on Lord Clanricarde, it will be necessary that Lieut: General Ralph Dundas should be removed from the staff; and I feel it incumbent upon me on this occasion to bear testimony to your Royal Highness, that the behaviour of that Officer during the time that He has served under my command, has merited my perfect approbation.

I am, Sir, with the most sincere regard, and perfect attachment,

Your Royal Highness's
Most Faithful
and most Devoted Servant
CORNWALLIS.

Endorsed: Dublin 22nd Feb. 1801
Marquis Cornwallis

II

Horse Guards, February 23, 1807.

Dear Taylor.

As I shall see you tomorrow, and as I am a good deal pressed for time this evening, I shall not enter into the very interesting points mentioned in your letter, except to say that I have for some time expected that some insidious proposal for a general peace would be made by Buonaparte to us. I hope in God that Ministers will have firmness and energy to reject it in a manly and firm manner.

The Question about Turkey is a very delicate one indeed, and requires much consideration.

Ever
Yours Most Sincerely

FREDERICK.

Endorsed: Horseguards 23d February 1807
The Duke of York

III

Horse Guards, November 25, 1813.

Dear Taylor,

One line to thank you for your letter, by which I am sorry to find that you are detained at Harwich for lack of a ship.

The intelligence you give me as brought over by the Dutch who are arrived from Holland especially by my old friend Mr. Replaer, bears very strongly the marks of fear, and it is to be hoped that those who are remained in the country are blest with better Nerves.

However according to the Information received this morning from the Crown Prince's³ Head Quarters at Bremen, General Winsingerode is moving with one column through Friezeland into Holland, and had already passed Zwol, while General Bulow was marching with another from Minden upon Arnheim, and the Crown Prince was to follow with the major part of his Army, having reinforced Walmoden with the Swedes and some Prussians, with orders to act in concert with General Benigsen against Davoust.

Marshal St. Cyr has given up Dresden⁴ and surrendered himself with sixteen thousand men prisoners of war to General Klenau, and Prince Swartzenberg has carried by assault the newly erected works at Hochheim.

My accounts from Wrede are very satisfactory.

Pray send as often as you can, and believe me ever

yours most sincerely

FREDERICK.

Barclay will have joined you this morning, I thought it best to send him off to take the chance of joining you.

Pray when you get to Holland do not forget to buy for me some of the best Curaçoa, the best I believe is made in Amsterdam.

Endorsed: D. of York. Nov. 25. 1813.

IV

Horse Guards, November 26, 1813.

Dear Taylor,

Though I hardly think that this will reach you before you set sail from Harwich, yet I can not refrain from writing one line to thank you for your letter received this morning, by which I find, what indeed I have always imagined, that it will be impossible for you to land any of your stores 'at this season of the year'⁵ on the open sea upon the coast of Holland.

I suppose that you will find the Russians and Prussians already in possession of a part of the Country, as by the Mail of this day from Heligoland a part of Count Winsengerode's Corps had already taken possession of Friesland, and General Bulow was in full march from Minden upon Arnheim, so that long before this probably all the French troops which were at Utrecht and Grave will have made their retreat.

Now God bless you—let me hear from you as often as you can and with best wishes for your success, believe me ever,

Dear Taylor,

Yours most Sincerely,

FREDERICK.

I will not fail to execute your commission at Windsor tomorrow.

Endorsed: Duke of York — November 26 1813.

³ The Crown Prince of Sweden.

⁴ November 11th, 1813.

⁵ Interlined.

V

Private and Confidential.

London, May 15, 1832.

My dear General,

I have received your letter ; and I am much obliged and flattered by His Majesty communicating to me the answer from Lord Grey, which is so far favourable as it does not contain any reference to the Proposition to which the King had objected.

I considered my commission as at an end when His Majesty renewed His communications with Lord Grey ; and I took my Leave of the King.

I am convinced that it will tend to His Majesty's ease and convenience,⁶ if all communication with me should cease from this moment. I know that such cessation of communication will enable me to serve the King much more effectually if any further Service from me should be required.

I give you this Hint Privately. I shall not mention to any body that I have heard from you.

Ever yours most Sincerely

WELLINGTON.

Endorsed : From the Duke of Wellington
May 1832.

⁶ Here, at the foot of the first page, is the address : General Sir Herbert Taylor.

Reviews of Books

The Gregorian Sacramentary under Charles the Great. Edited by H. A. WILSON. Being vol. xlix of the Publications of the Henry Bradshaw Society. (London, 1915.)

LITURGICAL scholars will welcome this volume, though it will be a disappointment to such of them as hoped for something more than the reprint of a text which had been printed by Muratori in his *Liturgia Romana Vetus*. Mr. Wilson prefixes a useful and complete description of the three ninth-century manuscripts of the *Gregorianum* with which he deals, but there is no handling of the complicated and debateable questions which gather round it, as to its original date; its right to its title; its relationship to the Gelasian Sacramentary; the separation of the Roman and Gallican elements therein; and other points, on which Mr. Edmund Bishop has thrown much light in contributions to the *Dublin Review* and the *Journal of Theological Studies*. One important textual discrepancy is here cleared up, but Muratori is let off too gently. The Gregorian Canon, as printed by Mr. Wilson, contains no 'Commemoratio pro mortuis' between the paragraphs 'Supplices te rogamus' and 'Nobis quoque peccatoribus' (p. 3). But as printed by Muratori (col. 4) it does contain it. Muratori inserted it without a note to explain that it is only written on the margin in a twelfth-century hand, and that it is no part of the original manuscript. The Canon in the Gelasian Sacramentary edited by Mr. Wilson in 1894 (p. 235) was also destitute of this 'Commemoratio pro mortuis'. Mr. Wilson does not discuss the cause of so strange an omission. Is it possible to accept Muratori's suggestion that it was 'per incuriam'? Is it not much more likely that it was then contained in the Diptychs, which at this point in the Canon were then handed up to the celebrant to read from? Again, is not the fact that much of its wording is found in an old Gallican Missal at an earlier part of the service suggestive of its original position, as well as of the source whence it was derived?¹ Mr. Bishop offers another explanation,² which we are not at present inclined to accept, but which, like everything else coming from him, deserves serious consideration.

What, then, is the value of the present volume? It is this: that it gives us a more accurate text of the *Gregorianum* than we possessed before. The original manuscript sent by Pope Hadrian I to Charles the Great, at that emperor's request, between 784 and 791, no longer exists; but later manuscript copies of it exist, and one of them, MS. Vat. Reginae

¹ *Missale Gallicanum*, in Neale and Forbes's *Ancient Liturgies of the Gallican Church*, p. 155.

² *Journal of Theological Studies*, iv. 573.

337, of a date about A. D. 850, first printed by Muratori, has now been more carefully and accurately printed by Mr. Wilson. And more than this. Muratori did not preserve the order of the contents of his manuscript and did not mention the fact of the dislocation or give any reason for it. The result is that he threw the history of the Gregorian Sacramentary into a confusion from which we are only now emerging, after nearly two centuries, under the expert disentangling of Mr. Bishop. Mr. Wilson for the first time prints the contents of the manuscript in their proper order, and the gain and convenience are great. But our regret for the limitations which Mr. Wilson has imposed upon himself will not be removed by his candid description of them on p. xv of the introduction.

F. E. WARREN.

Pauli Diaconi Historia Romana. A Cura di AMEDEO CRIVELLUCCI.
(Roma: Istituto Storico Italiano, 1914.)

SIGNOR CRIVELLUCCI'S edition of Paul the Deacon is another part of the *Fonti per la Storia d'Italia*, to which belongs his edition of Landolfus Sagax, which was reviewed in these pages last year (*ante*, xxix. 141). These two texts are intimately connected, since Landolf bears the same relation to Paul as Paul bears to Eutropius, that is, each copied his predecessor with interpolations and a continuation; and the present text is edited on the same plan as the previous one, the non-Eutropian passages in the first ten books being enclosed in brackets, and the whole text of Eutropius given in the notes wherever it differs from that of Paul, while in the remaining books the brackets are used to denote passages drawn from an unknown source. Of these last the number is greater than in Landolf; and for the latter half of the fifth century there are a large number of passages, some containing information not elsewhere given, which seem to be derived from the lost Annals of Ravenna. To the work of Paul himself the editor has added the seventeenth book, which continues the history to 730, and is merely an epitome of the *Historia Langobardorum* by an unknown hand. He also gives the autograph letter of Paul to Abbot Adalard which is attached to Paul's collection of the letters of Gregory; but, as this has nothing to do with the *Historia Romana*, it is not easy to see why it is included. In one respect Signor Crivellucci's present work differs from his edition of Landolf, for he gives no list of previous editions, but is content with referring the reader to Potthast. Such a list would perhaps have been inordinately long; but, if he had given us a selection of the most important, it would have served all practical purposes and spared us the annoyance of being referred to another work. It is disconcerting to find both in this case and in that of Landolf that texts which have appeared in what was believed to be the definitive edition of the *Monumenta Germaniae* now require re-editing; but in both instances the editor's preface makes it quite clear that this is the case, and Droysen's edition, in fact, appeared as long ago as 1879, and does not contain a separate text of either author, but only their additions to and divergences from Eutropius and Paul. Signor Crivellucci is also preparing an edition of the *Historia Langobardorum*, to which the latter

consideration does not apply, but we need not doubt that he will be able to throw new light on this much more important work also.

The edition of the text is marked by the same care and accuracy as that of Landolf; but, as Landolf's text depends practically on one manuscript only, while many are needed for an edition of Paul, the task is in the present case more complicated. Under such circumstances a few imperfections are inevitable. For instance, at p. 39, l. 12, the words 'et Liguribus', which are printed as from Eutropius, are not in his text; at p. 24, note g, and p. 126, notes r and t, various readings are given from Eutropius, though the passages are bracketed as from another source; on p. 77 it appears from the note that ll. 13-16 should have been bracketed, and at p. 131, l. 3, a bracket is, probably by a printer's error, omitted. The statement at p. 58, note c, that 'qui', given in the text, was not written by Paul needs some explanation, and at p. 133, l. 14, the source of the bracketed words is not stated. A minute search might discover a few more similar oversights, but the fact that they are so few and unimportant is in itself testimony to the carefulness of the work. The notes on the subject-matter also are concise and accurate and leave but little to criticize. In the note on the passage from Prosper about St. Martin, however, it should have been stated that M. Babut in his recent monograph, *St. Martin de Tours*, denies that anything has fallen out; and on p. 209 the expression 'gladio trucidavit' does not seem necessarily to mean that Ricimer performed the act with his own hand. The volume contains a useful index and glossary and an excellent bibliography. Under John of Antioch, however, Boissevain and De Boor's edition of the Constantinian excerpts should have been mentioned; and under John Malala there is some strange confusion. There may be good reason for using the Venice rather than the Bonn text; but Signor Crivellucci must surely know that Genesis is not an editor of John Malala, but a Byzantine historian whose work stands first in the Venice text, and that the title here given is that of the work of Genesis, not of that of John.

E. W. BROOKS.

S. GADDONI et G. ZACCHERINI. *Chartularium Imolense*. Vol. i: Archivum S. Cassiani (964-1200). Vol. ii: Archiva Minora (1033-1200). (Rome: Bretschneider, 1912.)

WE have more than once called attention to the activity with which, since the meeting of the International Historical Congress at Rome in 1903, the charters of Italian ecclesiastical foundations have been prepared for publication either in full or else in the form of an ample calendar.¹ These have now been supplemented by an independent collection of Imola documents down to 1200, which forms two large and excellently printed volumes. The book is not the reproduction of an existing chartulary but has been composed from the charters themselves, by far the greater part of them being preserved in originals. The first volume contains the documents of the cathedral church, 'Archivum S. Cassiani'; the second, those of the minor churches of the town and of the municipalities of Imola and Dozza, with some others. The documents, which run

¹ *Ante*, xxiii (1908), 821 f., xxvi (1911), 834.

from 964 to 1200, are all set out at length, and the editors have added nothing except brief summaries at the beginning of each, a statement of the manuscript authority, and occasional notes on readings and on points of chronology. The materials are of special interest as illustrating the history of the private document in a region which had belonged to the Exarchate and had never come fully under Lombard influences. Many of the formulae in charters of the eleventh and twelfth centuries are preserved unaltered from the time of the later Roman empire. On the other hand we can trace the abandonment of old practices: thus the *completio* is hardly ever found after 1064. From this point of view alone the book deserves attentive study. It is to be regretted that the learned editors have not allowed themselves to depart from their severe rule of self-repression and to supply at least occasional references and parallels.

Imola, though standing on one of the principal roads of Italy and not far removed from Bologna, was not well informed about public events; thus for more than two years after the accession of Henry V, it was believed there that the king was named Charles (nos. 25, 27, 28, 30). During the pontificate of Alexander III, however, the apparent lapses of the notaries are due not to ignorance but to doubt as to which claimant really was pope. After the double election of Alexander and Victor IV on 7 September 1159 the notaries were in difficulties: on 6 October and 6 December one notary, Alberic, adopted the phrase 'certum papam nondum habemus' (nos. 192, 195); but another, Pizolo, wrote simply '... pape' (nos. 194, 196). On 13 December Pizolo ventured to name Alexander (no. 197), but next day he went back to the blank. Then on the 17th a different notary says openly, 'de papa incerti sumus' (no. 199), a formula which reappears on 30 August 1165 (no. 240). But it was usual to leave a blank, which could be filled in when the opportunity arose, and it was only on 5 March and 1 October 1161 that Alberic plucked up courage to name Pope Alexander (nos. 214, 215). With these exceptions no pope's name is given until 22 January 1167, when we are surprised by the mention of the antipope Paschal III (no. 253); but he is the only antipope recognized, and he appears but once. The blank continues regularly down to near the end of 1173, during all which time the name of Alexander is given only on a single occasion in 1172, and that not by a notary of the church but by a town *tabellio* (no. 272). From 1173 the practice fluctuates, even the same notary altering his formula in the space of a fortnight (nos. 284, 285). Though Alexander died on 30 August 1181, he is mentioned as if living on 13 October (no. 324): next day the same writer names Lucius III (no. 325); but two months later he lapses into the phrase, 'cuius nomen ignoramus' (no. 327).

After this, one is prepared for irregularities in chronology, but as a matter of fact most of these are capable of reconciliation. A document (no. 7) dated 9 December 1046 in the 14th Indiction has caused the editors some trouble, because it speaks of the first regnal year of Henry III, and Henry was not crowned emperor until the following Christmas. They have not noticed that he is called 'Enricus rex', not 'imperator', so that the calculation is from the day when he wore the Lombard crown

at Pavia on the previous 28th October. In a supplementary note they say that the explanation of the difficulty is that the Indiction is the Greek one (of 1 September); but this would carry back the document to 1045, before Henry came into Italy. The variations in the mode of reckoning the year which are found in the papal chancery from the time of Urban II seem to have left their mark on the Imola documents. Three of these dated in February 1106 (nos. 22, 23) and January 1108 (no. 27) have the Indiction of the following year, and seem therefore to use the Florentine style which began the year on 25 March. Accordingly they should be placed in 1107 and 1109. This would also be true if the documents were dated after the Venetian practice of beginning the year on 1 March were adopted, just as the penalty named in the third document is stated in terms of Venetian money (i. 59); but this explanation is hardly probable. The Florentine style is found also in no. 352, where the date 4 January 1186 in the fifth Indiction means 1187 according to our reckoning. In no. 353 the notary dating on 27 March appears to have forgotten that a new year had begun, and so retains 1185 when he should have written 1186. But there are some instances in which the year of the Lord is simply miswritten. No. 357, dated 28 August 1185, and no. 372, dated 22 February 1188, both in the pontificate of Urban III, can only belong to 1186 and 1187: in the former document the editors have prefixed the correct year, but in the latter they have not. Errors in regnal and pontifical years are not frequent: but no. 1, of 19 November 964, is placed in the fourth instead of the third year of Otto the Great; and no. 3, which is certainly of 3 February 1017, bears the fourth instead of the fifth year of Benedict VIII. It may be noted that the *consuetudo Bononiensis* of counting the days of the second half of the month backwards is not found in 984 (no. 2), but is implied in 1017 (no. 3).

The clerks who took part in the production of the documents are of various kinds. Besides the *tabelliones* or public scribes, many of whom adopt also the style of notaries, officers bearing the latter title appear connected not only with the church of St. Cassian but with a number of localities. Some come from other cities, as Bologna, Ferrara, and Faenza. Imperial notaries are found in 1033, 1047, 1174, 1185, and 1198; notaries of the Sacred Palace, from 1182 onwards: in 1186 we meet with Martinus Philippi 'imperialis aule et papalis notarius' (no. 765), a form which is not dissimilar from that which became customary in the later middle ages. In 1033 the notary makes his distinctive mark: 'singnumque meum consuetum apposui' (no. 717). Sometimes he states this in verse: 'notario signo scribit Ganducius isto' (no. 325).

Among miscellaneous matters of interest we may mention the form of oath taken by the citizens of Imola to the bishop and canons about the middle of the twelfth century (no. 124), and the record of a suit between the chapter and the bishop in 1197-8 (nos. 451-3), where the evidence is set out at length. In no. 350 'hanc aparam libellariam' gives a new variety of *appar*, which has not, we think, been previously noticed in the feminine. Among denominations of money we find 'duas libras auri ad libram Karoli' in 1159 (no. 189).

The work is illustrated by facsimiles; it gives a single chronological list of all the documents in the several series, and contains excellent indexes; but the glossary might with advantage have been made more copious.

REGINALD L. POOLE.

The Battle of the Seven Arts; A French Poem by HENRI D'ANDELI, Trouvère of the thirteenth Century. Edited and translated, with introduction and notes, by LOUIS JOHN PAETOW. (Memoirs of the University of California, vol. iv, no. 1. History, vol. i, no. 1.) (University of California Press: Berkeley, 1914.)

THE interest of this poem lies in the light which it throws upon the state of learning and letters somewhere about A. D. 1230, and in particular upon the struggle between the classicism which had flourished in the school of Chartres in the preceding century, and still lingered on at Orleans, and the Aristotelian scholasticism which had its centre in the rising university of Paris. Already at this time it was clear that the classicists were destined to be beaten, and the scholastics to prevail.

Logique a les clers en ses mains,
Et Gramaire rest mise au mains.

In the poem Grammar is defeated by Logic, but with a prophecy that after thirty years a new generation would arise which would go back to Grammar. The prophecy was fulfilled, but a century or two later than the prophet had anticipated. The poem had already been printed from the defective edition of Jubinal and the much better one of Héron. The present edition contains an English translation (not an easy task to accomplish) and a facsimile of the two manuscripts. The introduction and notes are learned, and give all the information that one wants for an intelligent appreciation of the poem and its historical significance. It is, indeed, in all respects a model piece of editing.

The writer has some sound remarks upon the general question of medieval culture. He very properly insists that till recently modern scholars have been far too ready to accept the views of the humanists as to the value of the culture, learning, and education—not merely of the immediately preceding age, of which they knew something, but also of the greater medieval centuries—the twelfth and the thirteenth—of which they knew very little. As to the reasons for the decline of Latin scholarship after the beginning of the thirteenth century, he suggests that too exclusive a prominence has been attributed to the competition of the scholastic philosophy and theology, and insists that it was largely—in France as well as in Italy—law which drove out letters. That the popularity of law—based largely on its pecuniary value—had much to do with the decline of less lucrative studies is true enough, but this hardly explains why law did not kill scholasticism which possessed an equally small commercial value, and did kill any classical studies which went beyond the elementary grammar-school stage. After all we cannot give a definite reason why a majority of medieval men liked Logic and Aristotelian philosophy better than the classical studies which had been so seriously pursued at Chartres

and at Orleans. Some influence may perhaps be attributed to the fact that the scholastic philosophy was, through its indispensableness to the scholastic theologian, associated with religion more definitely than the study of the pagan classics. Just the higher minds which refused to be carried away by the chrematistic study of law were compelled to study Aristotle because a knowledge of him was supposed to be necessary to the theologian. Something too was due to the connexion between the Aristotelian writings and the study of medicine. In Italy—where the devotion to civil and canon law was greatest—there were probably few who followed the arts course beyond the age of elementary logic except the friars who were pledged to study theology, and the future physicians. There were no such compelling reasons to induce men to spend many of their maturer years over Virgil and Cicero.

H. RASHDALL.

Bracton de Legibus et Consuetudinibus Angliae. Edited by GEORGE E. WOODBINE. Vol. i. (Newhaven: Yale University Press, 1915.)

It is little more than thirty years since Sir Travers Twiss completed his edition of Bracton's treatise in six volumes for the *Rolls Series*, and here we have the first instalment of a wholly new edition in an equal number of volumes. The waste of time and money involved in the publication of work destined to be superseded so soon is not creditable either to English scholarship or to the general editorship of our government publications. As early as 1887 the late Professor Maitland in the preface to *Bracton's Notebook* urged the necessity of a new edition of Bracton's text. Twiss had done little or nothing to free it from the corruptions which disfigure it in the early editions of 1569 and 1640. The most casual examination, for instance, reveals the fact that additions of Edwardian date have been foisted into the treatise as Bracton left it. *Addiciones* by which the owners of manuscripts attempted to keep the work abreast of later decisions had an inevitable tendency to slip from the margin into the text when these manuscripts were copied. This interpolated matter does not, however, always bear its date upon its face, and nothing but a thorough collation of all the accessible manuscripts, such as had never hitherto been attempted, could settle what Bracton actually wrote and what is subsequent accretion. Such a collation was also indispensable for the establishment of the best possible text of the original treatise, stripped of these additions. The magnitude of the task may be gathered from the fact that the first volume of the new edition, a stout quarto of over 400 pages, is devoted entirely to the description of the manuscripts, the settlement of their pedigree and the problem of the *Addiciones*. Some may think that the editor leaves an excessive amount of the scaffolding within which his building has grown up, and he certainly enlarges on peculiarities of manuscripts for which he might have safely referred the student to the manuals of palaeography. On the whole, however, it is an advantage to have so explicit a revelation of the forest of difficulties through which Mr. Woodbine has had to hack his way. For, as so often happens in textual studies, collation of the forty-six manuscripts disclosed anything but simple relations between them. Although the latest of them was written not more than a century

after Bracton's death, they not only do not include his holograph or any immediate copy of it, but no two of them stand to each other in the direct relation of parent and child. Three or four groups emerge from the collation, but they run into one another in a perplexing way which can only be explained by the use of manuscripts of different families by some of the copyists. Two of these groups seem to the editor to represent a first and second redaction of the treatise by Bracton himself. Such a complicated pedigree is of course very difficult to make clear in words, and the reader is assisted by an elaborate series of diagrams.

One of the most noteworthy results of Mr. Woodbine's study of the manuscripts is to discredit Maitland's suggestion (in *Bracton and Azo*) that the well-known Digby manuscript of the *De Legibus* in the Bodleian Library shows internal evidence of having been copied from Bracton's own manuscript. This was chiefly an inference from the curious blanks that are left at certain points in the text, which Maitland thought must have existed in the original. These, however, are susceptible of another explanation. The manuscript was written by six different scribes, and Mr. Woodbine ingeniously suggests that they were working simultaneously in order to produce a copy quickly, and did not always quite fill the quires of parchment with which they were provided for the portion of the work assigned to each of them. In any case, collation shows that the text of the Digby manuscript, though very good for the most part, falls off afterwards so badly that it is impossible to accept it as a direct transcript of the author's own manuscript. Maitland's over-exaltation of this particular manuscript is a good illustration of the dangers of arguing from part of the evidence only.

Not the least thorough part of the editor's work is his treatment of the problem of the *Addiciones*. As it was evidently a very common practice to copy these additions from a manuscript of one family into manuscripts which came down in quite a different line, they are rightly dealt with separately. The results of the examination are conveniently given in the list of additional and doubtful passages which winds up the volume.

In a work abounding in details a few errors are inevitable. In view of a possible list of *Corrigenda*, we note one or two which have caught our eye. On p. 18 the Phillips MS. is said to have on its first page the signature 'Roger Twyrden 1639'. This is surely the famous antiquary Sir Roger Twysden? *Tempo* for *tempore* occurs on the next page. Inconsistent statements of the division of books in MS. LF are given (pp. 28, 29). *Dignitores* on p. 46 is an error for *digniores*.

JAMES TAIT.

De Kroniek van Johannes de Beka ; haar Bronnen en haar eerste Redactie.
Door DR. H. P. COSTER. (Bijdragen van het Instituut voor middel
eeuwsche Geschiedenis der Rijks-Universiteit te Utrecht.) (Utrecht :
Oosthoek, 1914.)

JOHN DE BEKA was a clerk of the diocese of Utrecht, well known as the writer of a Latin chronicle of the counts of Holland and the bishops of

Utrecht which in 1349 he dedicated to the reigning count and bishop of those places. Taking rather a broader view of his subject than most local historians, his work became exceedingly popular. It was copied in many manuscripts, translated into Dutch and French, and made the basis of numerous continuations. In short, Beka's chronicle plays in the historiography of the northern Netherlands very much the same part that is taken by his contemporary Higden, and his well-known Polychronicon, in English historical literature. The comparison between Higden and Beka is the more complete since neither possessed much intrinsic value of his own. This is sufficiently shown in Beka's case by the fact that his work has not been printed since the edition published by A. Buchelius at Utrecht in 1643. Even now that a young Dutch scholar devotes 300 pages to the dissection of Beka's sources, and the appreciation of his historical position, there is no hint that a new edition of the text is contemplated.

Dr. Coster's work seems admirable on its own lines, and so complete that it may be followed even by those to whom, as to the present writer, the seventeenth-century edition of the text is inaccessible. He begins by a careful analysis of the historical literature of Utrecht and Holland before Beka's time, and shows in great detail what sources Beka followed for his history. Besides the generally recognized sources of Beka's compilation, Dr. Coster proves that there are great similarities between his work and certain parts of two chronicles of Tiel (*Annales Tielenses* and *Chronicon Tielense*), now only surviving in fifteenth-century versions. He explains this by postulating an earlier form of part of these chronicles, which goes back to the early fourteenth century. Moreover, he suggests very ingeniously that these two rediscovered fourteenth-century works, which he christens *Annales Priores Anonymi*, were earlier versions of Beka's own work. He also assumes that there is a third early work of Beka in the known chronicle of the wars between the bishops of Utrecht and the counts of Holland (*Bella Campestris*).

Unluckily this ingenious bit of criticism leads only to negative results. Beka is proved up to the hilt to be a mere compiler, and to possess no original value as a source, though he has an interesting little place of his own in the history of the northern Netherlands. The foreign reviewer can do little more than summarize the results of such a study, though he has abundant evidence of the general correctness of Dr. Coster's conclusions. Some doubt, however, cannot but arise when he recognizes the tenuity of the argument and the lack of convincing material. Thus Dr. Coster speaks emphatically of Beka being a 'humanist'. It is hard, however, to follow a proof based upon Beka describing the Germanic invaders of the Roman Empire as 'barbarians' (p. 282). Neither can much stress be laid on Beka's championship of Lewis of Bavaria against Charles IV, considering that Beka lived under and dedicated his book to Count William V of Holland, who was Lewis of Bavaria's son. Moreover, it is hard to be satisfied of the identity of the chronicler with the Premonstratensian canon of the same name who was rector of two parishes in Holland, when we remember that Beka described himself simply as a clerk, a phrase not likely to be used by a person who had

embraced the religious life even to the extent of taking the vows of a canon regular. On the other hand Dr. Coster makes it clear that the date of the completion and dedication of the chronicle is 1349, not 1346, as has been generally said, and that it is quite as much a Utrecht as a Hollandish work. He makes a valuable point in emphasizing Beka's conception of a 'Greater Holland', formed by the establishment of a perpetual peace between the county and the bishopric.

T. F. Tout.

Calendar of Inquisitions post Mortem. Henry VII, vol. ii. (H.M. Stationery Office, 1915.)

Calendar of Patent Rolls. Henry VII, vol. i, 1485-94. (H.M. Stationery Office, 1914.)

THE first of these two volumes of calendars follows its predecessor after an interval of seventeen years. It was in 1898 that the new calendar of inquisitions *post mortem* began publication; and 1485 was taken as its starting-point apparently because there was already in print the old Record Commission calendar of medieval inquisitions. In reviewing that first volume we expressed the hope that the commencement of the new series with the reign of Henry VII did not imply acquiescence in the inadequacy of the old series. Whether as a result of this suggestion or not, the Henry VII series was interrupted, and eight volumes of the calendar extending from the reign of Henry III to 1347 have been published. Presumably the medieval series is well on the way towards completion, and the modern series will be carried on until the civil war and the abolition of feudal tenures under Charles II brings it to a natural end.

The value of the calendar consists mainly in the multitude of details it adds to our biographical knowledge of the period; and occasionally the relationships mentioned enable us to trace a connexion, otherwise obscure, between the partakers in conspiracies against Henry VII and in other political movements. The additions do not always tend to elucidation, and the reference on p. 558 to Margaret, Viscountess Lisle, increases the confusion in the history of that distracted title. This lady was unknown to Nicolas;¹ perhaps her existence was suppressed on account of her marriage to Sir Henry Bodrugan, who was attainted by act of parliament in 1487, a marriage which might throw some light on the obscure Cornish rising which Bodrugan headed in 1486. There is an almost total absence of editorial comment, even when the inquisition is manifestly in error; thus one inquisition² says that Lord Willoughby de Broke died on 23 August, 17 Henry VII [it should be 18 Henry VIII], while another³ says he died on Tuesday, 28 September, 18 Henry VII. The editor interjects '*sic*' after the Tuesday, the 28th of September 1502 being in fact a Sunday, but leaves unnoticed the other discrepancies. Most readers, too, might have desired a note explaining the fealty and suit of the bishop of Winchester's 'Pavilion Court',⁴ though they might be able to draw their own conclusions from the facts that the lands of a tenant holding $\frac{1}{200}$ of a knight's fee were worth £6, and those of another tenant holding $\frac{1}{20}$ of

¹ Sir Harris Nicolas, *Barony of L'Isle*, 1829, p. xxvi.

² No. 638.

³ No. 785.

⁴ No. 338.

a knight's fee were worth only 20s.⁵ The calendaring seems, however, to be excellent, and the 300 pages of index leave little to be desired.

The same can hardly be said of the index to the *Calendar of Patent Rolls*. The name of Robert Stillington, bishop of Bath and Wells till 1492, does not appear, and the references to him are ascribed to his successor, Richard Foxe, although on pp. 34, 338 the bishop is called Robert and details about Foxe's translation to the see are given on pp. 382, 389. Under 'Stafford' there is considerable confusion: 'Buckingham' should be supplied after 'Stafford, Henry, duke of', and 'Devon' after 'Stafford, Humphrey, earl of', and there is no alphabetical order in the Christian names. Knights who receive that distinction in the text are deprived of it in the index, e. g. Sir Edmund Bedingfield, Sir William Boleyn, and Sir Henry Heydon; while 'Lords' who are not so styled in the text are given that title in the index. The circumstance that in the text of the commissions for the peace neither 'baron' nor 'lord' appears is a useful reminder that in those days a man was no more called 'lord' because he was a lord of parliament than he is to-day because he is a lord of the privy council, of the admiralty, or of a manor. There is, however, a mass of useful information in the volume, and its details permit of greater precision in our knowledge of the personnel of Henry VII's administration than has hitherto been possible. Further light will be thrown on such matters when the *Calendar of Close Rolls* reaches Henry's reign. The Patent Rolls contain nothing about parliament, nor do they give us any help towards answering the question whether Henry VII had an organized privy council, or merely consulted individually, and when he chose, those persons whom he 'retained' as counsellors.

A. F. POLLARD.

Rentale Sancti Andree, being the Chamberlain and Granitar Accounts of the Archbishopric in the Time of Cardinal Betoun, 1538-46. Translated and edited by ROBERT KERR HANNAY. (Scottish History Society.) (Edinburgh: University Press, 1913.)

Rentale Dunkeldense, being Accounts of the Bishopric (1505-17), with MYLN's Lives of the Bishops (1483-1517). Translated and edited by ROBERT KERR HANNAY. (Scottish History Society.) (Edinburgh: University Press, 1915.)

THESE volumes, issued by the Scottish History Society in its second series, comprise the ministers' accounts of the diocese of Dunkeld for the years 1505-17 during the episcopate of Bishop George Brown, and of the diocese of St. Andrews for 1538-46 while Cardinal Betoun held the primacy of Scotland. There is nothing very new or startling in either volume, though that of Dunkeld is the more interesting of the two. The titles of the volumes appear to rest on no manuscript authority. Mr. Hannay acknowledges that in the strictest sense the volumes are not rental-books,

for it is well known that prelates caused special records of their lands and dues to be kept for purposes of reference in administration, but the title *Rentale* is convenient and indicates sufficiently the nature of the contents.

⁵ Nos. 232, 233.

It is very doubtful that the description is adequate. A *rentale* is a record of rents and dues, but these volumes consist of *compoti* or accounts of receipts and expenditure which belong to a class of historical documents quite prevalent in lay as well as ecclesiastical administration, and for that reason it is a pity that their true import should have been obscured by arbitrary titles. Each volume is the record for a definite period of the revenues of the bishopric to which it belongs, but it is far more, for it tells of the expenses incurred in their collection and of multifarious charges incidental to the possession of extensive estates. The episcopal officers made a yearly statement of their receipts and placed against them accounts of their disbursements, which they submitted to appointed auditors, carrying over the balance to the following year. The accounts are thus a succession of balance-sheets of receipts and payments, but as the sources of revenue were for the most part constant, the record of expenditure, which varied from year to year, offers a more useful picture of the social and economic condition of the period. The accounts of St. Andrews are made up of balance-sheets of the chamberlains and granitars of the archbishopric compiled from the returns of their subordinate officers, one dealing with money and the other with kind. By reason of this condensation it is not possible to get a clear view of the organization of the archiepiscopal household in the management of the revenues and expenses of the see. It is different with the accounts of Dunkeld, in which the returns of the petty officers have been preserved with all the particulars of dues and charges, from which can be seen the working of the complex mechanism of the episcopal *familia*, and many useful hints can be gathered on the economic condition of Scotland at the opening of the sixteenth century.

The principal officers in Bishop Brown's employment were a chamberlain, four rural deans, two serjeants, a steward, and four granitars, with sundry petty officers. All the chief officers were ecclesiastics. The chamberlain, who 'resided at Dunkeld unless the bishop ordered otherwise and was himself present', as Myln stated, was master of the household and principal administrator. In this capacity the other officers accounted to him, as he in turn was responsible to the bishop. But as only one fragmentary account of the chamberlain has been preserved, little is known of his precise duties. His domestic importance, however, is indicated by the fact that he was the chief auditor of most of the other accounts. The episcopal lands were in charge of two serjeants, one resident at Dunkeld and the other at Tybbirmuir. It was their duty to receive dues in money and kind, make payments, discharge debts, and provide for the requirements of the kitchen. Dried fish was imported from the east coast, and salmon was sometimes so plentiful that there was no need to exact the whole of the dues. The steward was concerned only with disbursements of money supplied to him directly by the bishop to meet household expenses, whether he was in residence or away from home. The granitars collected the tithes of the bishop's appropriate churches in their respective districts, and supplied grain and meal for domestic consumption. These officers, whose districts were at Dunkeld, Clony, Perth, and Lothian, paid the wages of servants and workmen, dispensed allowances to poor tenants, and discharged miscellaneous obligations. It is curious that the management of tithe oats

should have been delegated to a special officer, called the *avenar*, whose duty it was to provide grain for the poultry and the horses of the bishop and his dependants. The *granitar* of Lothian, whose district lay near to Edinburgh, was often brought into contact with the capital in the transaction of his master's business. In the accounts of 1508 there is mention of a large assignment by the bishop 'to certain merchants of Edinburgh for finance to the king to go on pilgrimage to Jerusalem and the sepulchre of our Lord'.

The student of ecclesiology will turn with interest to the accounts of the four rural deans of the diocese of Dunkeld which help to define their institutional position in the organization of the church of Scotland. Most of the dioceses were subdivided into deaneries of Christianity, as they were locally called, but there appears to be no evidence that the small dioceses of Brechin, Ross, and Caithness were so partitioned during the medieval period. Alexander Myln, the biographer of the bishops of Dunkeld, states that it was Bishop Brown (1483-1515) who constituted deans of Christianity in that diocese, and as Myln himself was one of the first deans he appointed, it may be permissible to accept his statement. There is some reason, however, for doubting that he intended his words to apply to the whole history of that diocese. The institution was dependent on the will of the individual bishop, and if one prelate or a succession of prelates dispensed with it in the administration of the see, the omission was no guarantee that it had not been previously in existence nor did it prevent other prelates from reviving and employing it as they thought fit. It is scarcely likely that a diocese like Dunkeld, intersected by the Forth and formed of scattered divisions on either side of that river, should have had only one deanery conterminous with the diocese in the earlier centuries of its existence.

The late Bishop Dowden inclined to the opinion that the deans of Christianity were subordinates of the archdeacons in Scotland, alleging as his authority a decree in the ecclesiastical statutes ascribed to the thirteenth century, by which 'our archdeacons and their deans' were instructed to visit parochial churches. But does the phrase imply subordination? Does it not rather refer to the deans acting within the archdeaconries? There is no indication that the deans were either appointed or controlled or removed by the archdeacons. In Scotland, so far as evidence is forthcoming, the rural deans were the personal officers of the bishop and held their office during his pleasure. There was no title to jurisdiction inherent in it: the dean's authority was derived in every case from the bishop's mandate addressed to him. A deanery of Christianity was neither a benefice nor a patent office: the dean ranked, so far as ecclesiastical usage was concerned, in all respects like the chaplain, chamberlain, steward, or other personal officer on the bishop's staff. It is true that he was employed in various occupations, but his diocesan usefulness did not make him a constitutional unit of the diocese. Though incidentally mentioned in Scottish ecclesiastical law, there is no definite statute for the regulation of the office. The dean of Christianity was 'the man' of the bishop and not of the diocese, and the bishop employed him at his convenience.

The accounts of Dunkeld, which are fortunately preserved in full, amply illustrate the position of rural deans on the eve of the Reformation when the institution was in a state of decline. In that diocese they were not incumbents beneficed in their respective deaneries: they were all canons of the cathedral, and, so far as we know, they held no parochial benefices at all. Not unfrequently two deaneries were in charge of the same officer, a custom which prevailed in St. Andrews as well as Dunkeld. There is no special function annexed to the office as disclosed in these accounts. The dean was a collector of money due to the bishop, and he expended it in whole or in part as the needs of the moment dictated. In 1506, for instance, the dean of Athole out of the procurations of his deanery paid the choir boys of Dunkeld their terminal allowances and at the same time purchased sawn timber in Cupar market for the roof of St. George's church, Dunkeld, then in course of erection at the expense of the bishop. Another dean records payments he had made on behalf of the chamberlain in connexion with the episcopal lands. Scottish practice with respect to mulcts and other disciplinary measures was much the same as elsewhere. The *oleum peccatorum* collected by the rural deans was assigned to the parish where the offender lived or to some work of public utility like the building or repair of bridges. The dues arising from the confirmation of wills reached the episcopal treasury through these officers according to a rate fixed by the provincial synod of 1420. Bishop Brown, in reviving or creating four deaneries in his diocese and appointing thereto four canons of his cathedral, not only brought his chapter into close touch with his clergy but supplied himself with four honorary officers, for there is no mention of their fees in the accounts, to help in the administration of his revenues.

It is always difficult to choose documents for illustration of accounts like these. The editor decided to reprint materials more or less well known, like excerpts from Myln's *Lives* and the accounts for building the stone bridge over the Tay at Dunkeld which Bishop Brown did not live to complete. As serviceable editions of these documents have been often printed and are easily accessible, the volumes would have been more valuable to the student of diocesan history, had they been illustrated with such contemporary documents as might have been obtained in the charter chest of the duke of Athole and similar repositories. But Mr. Hannay has done his work so well that the reader has no occasion to grumble. His translation of the quaint Latin is always intelligible, and when there was room for doubt the original phrase has been retained. Vernacular words with which the volumes abound are not explained, though many of them are more puzzling than the most obscure of the Latin phrases. To the Dunkeld volume indexes of vernacular and unusual Latin words and phrases have been appended which will be found by most readers a welcome addition. The note of Mr. F. C. Eeles on Dunkeld Cathedral is a study of great ecclesiological interest. It may be truthfully said that the two volumes enhance the value of the notable series to which they belong.

JAMES WILSON.

The English Catholic Refugees on the Continent, 1558-1795. Vol. I. 'The English Colleges and Convents in the Catholic Low Countries.' By the Rev. PETER GUILDAY. (London: Longmans, 1914.)

A YEAR ago we reviewed Father Lechat's *Les Réfugiés Anglais dans les Pays-Bas Espagnols durant le règne d'Élisabeth*. The volume before us is by an 'instructor in church history in the Catholic University of America, Washington', but it emanates from the same historical seminar at Louvain as the thesis of the Jesuit priest, and comparison is inevitable. The scope of the two volumes is different. Father Lechat confined himself to the reign of Elizabeth, but dealt with the general activities of the refugees and their relation to the politics of their time. Mr. Guilday covers the more extended period from the flight of the refugees from England under Elizabeth to their flight from the Continent under the impulse of the French Revolution; but he limits his treatment to the domestic history of the various religious communities, the Carthusians, the Bridgettines of Syon, the Jesuits, the English College at Douay, and so forth. The subject-matter of this volume is even more restricted: 'one point only has been taken up and developed—their activity in establishing Schools and Colleges, Convents, Monasteries, and Seminaries' (p. xxi), and the general title of the work will only become accurate if this volume is followed by a series of others. Indeed, in his conclusion, Mr. Guilday enumerates a list of topics connected with his subject, the treatment of which on a similar scale would require a score of equally substantial volumes.

These remarks make it clear that Mr. Guilday's volume appeals only to the few select students of certain aspects of Roman Catholic ecclesiastical history; and he writes as an ecclesiologist rather than as an historian. His industry has been great, but he has an eye for detail rather than for perspective, and the general bearing of his subject upon English or European history is almost ignored. This distinguishes his work from Father Lechat's, and there are other contrasts which do not commend Mr. Guilday's book to the normal student of history. The dry and monotonous style is not really relieved by the repetition of stereotyped phrases about the 'startling vitality of the English Catholics' (p. 8), the 'marvellous courage' of the Jesuits (p. 27), the 'superhuman courage' of Father Persons (*ib.*), the 'wonderful outburst of religious activity' (*ib.*), and 'this marvellous growth' (p. 28). Nor is anything really gained by writing of 'the blood-thirsty intolerance of the Protestants' (p. 8) and 'the flimsy fabric which had been built out of the ruins of the ancient church' (p. 9); or by describing Elizabeth in the following terms: She 'was not an ordinary usurper. She was a tyrant of the worst type, without pity; the willing tool of those who hated the church for gain's sake, and she was not accorded the same patient courtesy the christian world meted out to a legitimate occupant of the throne' (p. xxii). This heated exaggeration defeats its own object, particularly when we are told later on that 'the reigns of William and Mary and of Queen Anne were as bitter in their persecution of the Catholics as that of Elizabeth' (p. 34). The 'Gunpowder Plot', we are informed (p. 113), 'was the result of the mad conspiracy of the bolder

spirits among them to answer James in the same language'. What language? James I's was not an attractive ecclesiastical policy, but it did not include wholesale murder.

Such writing contrasts oddly with Mr. Guilday's preface. 'The old controversies', he claims, 'have been, as far as possible, avoided in the work, not from a spirit of priestly charity alone. . . . Care has been taken, in consequence, to avoid all that could give offence, and if anything remains which may not harmonize perfectly with the spirit of charity and justice in which the work has been approached, the indulgence of the reader is asked.' Charity here begins and ends at home, and it is clear from the context that it is only pleaded in order to draw a veil over the contests between seculars and regulars. Indulgence is not superfluous, also, for some of Mr. Guilday's historical statements, such as his remark that 'the confederation of Utrecht in 1579 drove many more Belgian Protestants into Holland and England' (p. xvi), his reference to the 'Lutheran Reformation which had been grafted on the country during the reign of Edward VI', and his assertion that Elizabeth's acts of Supremacy and Uniformity 'were passed in formal violation of the English constitution and her coronation oath' (p. 2).

A. F. POLLARD.

Ptolémée Gallio, Cardinal de Côme. Par P. O. VON TÖRNE. (Paris: Picard, 1907.)

Don Juan d'Autriche et les Projets de Conquête de l'Angleterre. Par P. O. DE TÖRNE. (Helsingfors: A. B. Helsingfors Bokhandel, 1915.)

M. TÖRNE is a welcome recruit to the study of the diplomatic history of the sixteenth century, more particularly since, although coming from the far north, his researches have mainly been among Italian archives. The first of these two studies is in fact an attempt to trace the development of the papal secretaryship of state, an important stage of which is represented by Gallio's tenure of office under Gregory XIII. Incidentally M. Törne deals with the gradual elimination of nepotism from papal administration, and one of Gallio's claims to distinction is that he was not of kin with the pope he served. Otherwise his character does not appear in a very attractive light, nor do his achievements seem conspicuous. His association with St. Charles Borromeo accentuates the shadows of Gallio's reputation, though M. Törne tells us nothing of his correspondence with Dr. Parry or views on the morality of assassinating Queen Elizabeth. He is mainly interested in Gallio's influence on papal policy in the Mediterranean, and he attempts to trace the process by which Gallio's views became favourable to Spain. The individuality of the cardinal of Como was not, however, such as to leave much impression on history, and apparently he was the instrument rather than the cause of Gregory's Spanish inclinations. He acquired a large fortune by means which are not specified, and bequeathed some of it to public purposes at Como.

The second of these studies is a fragment of what promises to be an important work. The outbreak of the war prevented M. Törne from completing his project, and this instalment is really an introduction. It only

brings Don John down to the eve of his appointment to the government of the Netherlands, in which capacity he was first involved in any project for the conquest of England. So far as Don John's connexion with England before 1575 is concerned, M. Törne's chief object in this volume is to show its unsubstantial character. It has been generally believed by historians that in 1569 Philip II, or at any rate Alva, seriously proposed Don John as a husband for Mary, Queen of Scots. His name was freely used in diplomatic circles; and some of the catholics who rose in 1569, like the earl of Northumberland, were encouraged by the idea, having no belief in Norfolk's sincerity and no enthusiasm for his marriage with Mary. But, after a careful examination of the evidence, M. Törne comes to the conclusion that neither Philip nor Alva made any such proposal; it was, rather, an idea propagated by the bishop of Ross and other agents of the Queen of Scots, acting possibly on their own responsibility.

Then follows an account of the Ridolfi plot and a description of the plans of the catholic refugees in the Netherlands; the ground has been partly covered by Father Lechat's work, which appeared too recently to be used by M. Törne. This leads to an examination of the attitude of the papacy, and its distraction between the Turks and the heretics. The league against the former was in 1571-2 the object of greater solicitude at Rome than projects for the conquest of England; and here Don John occupies a legitimate place in the foreground. His early career is traced in some detail, and M. Törne affirms with some confidence that he was born on 24 February 1547 and at Ratisbon, not at Brussels. His one great achievement at Lepanto is sufficiently familiar, and M. Törne devotes more attention to the diplomatic history of the failure to follow it up, the Spanish defeat in Tunis, Don John's high-handed schemes at Genoa, the gradual abandonment by Gregory XIII of his eastern Mediterranean projects, and his approximation to the Spanish point of view that the Netherlands and England demanded attention first. The book suffers somewhat from a defect characteristic of history drawn almost exclusively from diplomatic sources. It is fuller of intentions (generally unfulfilled) than of achievements; and there is an undefinable vagueness about the presentation of Don John. So far as his career is here traced, he appears a creature of impulse with a passion for glory, but without any great qualities as a statesman or administrator. The influence of French policy in producing Philip II's hesitation in the Mediterranean is hardly appreciated (pp. 216-18), and the threat of Strozzi's fleet is ignored. It was not the assurances of Charles IX or Catherine de Medicis, but the massacre of St. Bartholomew, which convinced Philip that he had nothing to fear from Strozzi's preparations. The Italian sources which M. Törne has used do not appear to have included the Farnese archives. Nevertheless, his volume puts before English readers the diplomatic history of Don John's time from a new, or at any rate unfamiliar, point of view; and we shall look with interest for the light which M. Törne's researches throw upon Don John's government of the Netherlands and schemes to rescue Mary Stuart.

A. F. POLLARD.

A Life of Robert Cecil, First Earl of Salisbury. By ALGERNON CECIL.
(London : John Murray, 1915.)

MR. CECIL'S life of his distinguished ancestor is a solid contribution to historical literature. He appears to have searched with minute care the great Hatfield collection of papers for everything that could throw light upon the career of Robert Cecil, and he has probably left little for subsequent inquirers. He has also produced an interesting book under conditions not wholly favourable, since Robert Cecil, a man of weak health and cool temperament, early inured to business and untiring in application, lived for public affairs and could furnish few materials for personal history. The present life is in some measure an apology for Cecil, but it is the work of a sober and candid apologist. The general outline of Cecil's character is beyond dispute. Like Pitt, the younger son of a distinguished statesman, inheriting much of his ability and eager to merit his succession, he entered public life a veteran, judicious and self-possessed. With such endowments and such training, his promotion was quick and his greatness was solid. For the last fourteen years of his life he was by far the most powerful man in England. Gardiner says that he never had an original idea. Mr. Cecil with equal truth rejoins that he escaped the errors of the visionary. He never did a foolish thing, never outraged decorum, and never gave offence if he could help it.

Cecil has often been censured for his behaviour towards rivals who, with higher gifts or, at least, with more attractive qualities have enlisted the sympathy so readily given to the unsuccessful. Accordingly, the present biographer examines in detail the charges brought against him in reference to Bacon, Essex, and Raleigh. Mr. Cecil urges that Bacon's real faults largely account for his slow rise and that we have little positive evidence of malice on the part of his kinsman. To show that Robert Cecil was not wholly blind to Bacon's pre-eminent genius, he quotes the very just remark that Bacon 'had the clearest prospect of things of any man of his age'. In such a case, where we have little to go upon, it is wisest to suspend judgement, although it is hard to believe that Bacon would have waited so long for advancement if his powerful cousin had been kindly disposed towards him. With regard to the fall of Essex, Mr. Cecil is entitled to argue that the earl's own folly and rashness are enough to account for his ruin without imputing any peculiar Machiavellism to Cecil. As to Raleigh, we do not see why Mr. Cecil should treat Raleigh's attempt to gain the favour of James, while yet king of Scots, as a final provocation to Cecil. 'Cecil's position', he writes, 'was not very dissimilar from that of a prime minister who should find two of his colleagues . . . attempting . . . to effect his discomfiture behind his back' (p. 186). The comparison seems misleading. A modern prime minister has, what no Elizabethan councillor had, an acknowledged claim upon the loyalty of his colleagues. All the members of the privy council stood in the same relation to the sovereign, who alone could claim their loyalty and whose favour they were all equally entitled to seek. It surely follows that all were equally free to ingratiate themselves with the next heir to the throne.

Upon the whole we may allow Mr. Cecil to have made out his case.

Robert Cecil, though not an original man, continued under James the tradition of those able statesmen who had governed England under Elizabeth. If he did not achieve much positive good, he may well have prevented much evil. If we hesitate to say with Mr. Cecil that 'he was something of an idealist', we may admit that he was honest and patriotic. Perhaps the gravest charge brought against Cecil is that of receiving a pension from the king of Spain while he was the chief minister of the king of England. His biographer has been unable to carry the investigation of this charge beyond the point at which Gardiner left it. He argues, indeed, that there is no proof of Cecil's having actually received the money. This by itself is far from convincing. He suggests that Cecil may have accepted the money with the consent of James and with the intention of fooling the Spanish government. This is quite possible, but lacks proof. The best arguments on Cecil's behalf are that the feeling of his age upon this subject was different from ours, and that there is no evidence of his having truckled to Spain in his actual policy. It is the natural weakness of Mr. Cecil that he tends to invest his hero with almost Victorian respectability. He has not perfectly caught the tone of thought and feeling in Elizabethan England. When he says in reference to the negotiations between Cecil and Henry IV that it left behind 'one of those strange understandings which sometimes arise between a well-principled man of the world and a good-natured rascal' (p. 126), he forgets the reverence paid in the sixteenth century to an anointed king, not to speak of a gallant soldier and a great ruler. His ancestor would probably have shuddered at such language. But we agree with his concluding estimate of Robert Cecil, that 'he falls into the second class of statesmen, amongst those of whom Walpole might be taken for the type, among men of good sense, efficiency, and talent falling somewhat short of genius' (p. 387).

We cannot understand what Mr. Cecil means by the following sentence relative to a commercial treaty with France: 'English merchants were not to be required to pay locally more than the authorized tariff prescribed for the whole kingdom; but any reduction of the imports was deferred to a more convenient season, and in the next reign these were still under a ban' (p. 158). There never was a single tariff prescribed for the whole of France until the Revolution. Did Englishmen want a *reduction* of their imports into France? If so, what was the harm of their remaining under a ban? One or two obviously accidental blemishes may be noted for correction: 'Religious persuasions' (p. 174), for 'religious persuasion', 'remit the recusancy statutes' (p. 234), for 'remit the recusancy fines', 'the glorious sunshine of my entreaties' (p. 291), for 'the glorious sunshine of my entry here'.

F. C. MONTAGUE.

The History of England. By JOHN LINGARD and HILAIRE BELLOC, vol. xi. (London: Sands, 1915.)

In this volume Mr. Belloc continues the history from the point where Lingard left off in 1688 to the accession of King George V. As might be

expected of the author the continuation is written with a force and distinction which cannot fail to interest even those who may differ most from the opinions expressed. Mr. Belloc writes with a purpose and explains clearly his point of view in the introduction to Part I, which covers the period from 1688 to 1815. His first point, sound enough in its statement, is that England was governed during the eighteenth century by an aristocratic oligarchy, 'wonderfully strong and successful so long as it was Aristocratic, but coming at last to a pass in which Aristocratic institutions began to fail it.' The first reason for failure is found in the principle that an aristocratic oligarchy cannot govern imperially, cannot incorporate alien things. Next, that it is incapable of reformation from within, and must sink into mere plutocracy; and that in England its decline and decay have corresponded with the recent enormous expansion of town life. Finally he emphasizes the point that England was at once the wealthiest state in Europe and the state whose wealth was most easily and immediately available for the purposes of offence and defence abroad. As simple propositions there is nothing here to which any one need take much exception. But history is a complex and not a simple thing; and when an author sets out to write a history with a simple proposition as his text, it is an inevitable result that he will put a strained interpretation on all that he has to describe, and see everywhere the working of a certain set of causes, to the exclusion of those which if not so concordant with his proposition were not the less genuine. In his history of the eighteenth century Mr. Belloc finds everywhere the trail of a sordid commercialism. Walpole was tawdry though not vile, his position was largely due to his ill-gotten wealth. If Pitt made terms with the Pelhams, 'probably there was bribery in it (the man was gradually accumulating a fortune);' he grasped at the paymastership of the forces and rapidly filled his pockets. One would never guess from this that as a matter of fact Pitt, unlike his predecessors in that office, refused to avail himself of any financial advantage beyond the legal salary. So also the younger Pitt was 'most unfortunately eminent in drunkenness'. It is not suggested that Mr. Belloc is blind to the greater qualities of the Pitts; but that he shows a readiness to dwell on supposed weak points, whether genuine or the reverse, in those characters whom he dislikes. Charles Fox, on the other hand, whose personal character was certainly not superior to that of his rival, is simply 'that great and generous man'. With the view that Bolingbroke was 'the most able man of his time in English politics, and one of the really great Englishmen of history', many readers will feel a certain sympathy, but they will assuredly be surprised that Mr. Belloc never so much as hints at the influence which Bolingbroke's political theory had on Disraeli.

These points have been dwelt on to illustrate the distortion of opinion into which Mr. Belloc's preconceptions lead him. That distortion runs as a continuous thread throughout his narrative. Possibly it affects the author's views on economic questions like the foundation of the Bank of England, and the establishment of the national debt, civil innovations 'which have made the sovereign power of the state the economic subject of moneyed interests'; but here, if the judgement is partial, the criticism is suggestive and gives room for thought. One looks naturally to Mr. Belloc

for sound views on strategy, and his summary of the military position in the American War is admirably clear. Excellent also are the accounts of Dettingen, Fontenoy, and Laffeldt, though in marked contrast to the slightness of treatment accorded to Marlborough's campaigns, and even to the Peninsular War (though Wellington is praised as one of the best defensive strategists and tacticians of our history). On the view which Mr. Belloc takes of the Irish Union, it is enough to say that it is rather that of a politician than of an unbiased historian. The volume is indeed throughout rather a lengthy piece of political pamphleteering than a true history. This characteristic, which is manifest from the start, becomes more marked the nearer the narrative comes to our own time. To his second part (1815-1910) Mr. Belloc gives a second introduction, much of which (whether one agrees with it or not) is extremely suggestive; its main themes are the breakdown of the aristocratic spirit, the seizure of power by a close ring of politicians who nominate themselves to office and co-opt their successors, and a highly organized police system which controls the mass of the populace far more severely and thoroughly than is to be discovered elsewhere in the world. This is the spirit in which the whole history of the nineteenth century is described, till it culminates in the 'personal and strong' judgements of the chapter on the reign of King Edward, which Mr. Belloc assures his readers are 'based upon a varied and considerable experience of the realities hidden behind the façade of our politics'. Fortunately this is not the place to enter upon a criticism of what cannot in any just sense be called a history. Mr. Belloc rightly enough takes credit for having written in June 1914, that the Danish question of 1864 was the turning-point in the public morality of Europe: 'this great change and peril which gives us to-day the spectacle of all Europe in jeopardy'. A reference to the use of the armed forces of the dependencies in the South African War, 'for the first and perhaps the last time', with a suggestion that they were mere hirelings, was hardly so happy. Mr. Belloc's attitude to imperial politics is sufficiently illustrated by his reference to the Imperial Titles Act of 1876 as harmless if rather silly. His statement that the few who profess some knowledge of political economy at Oxford and Cambridge have shown themselves unable to this day to grasp any of the arguments for protection, may be left to speak for itself.

C. L. KINGSFORD.

Writings of John Quincy Adams. Edited by WORTHINGTON CHAUNCEY FORD. Vols. i-v, 1779-1816. (New York: The Macmillan Company, 1913-15.)

WHATEVER may be lacking in the future histories of the United States, no difficulty will arise from the want of original authorities. The writings and letters of more or less eminent public men of the eighteenth and nineteenth centuries would fill a fair-sized library. Already there were twelve volumes of *Memoirs* of John Quincy Adams, and now his *Writings*, consisting, with a few exceptions, of contemporary letters, will occupy another twelve. Although compression might have reduced somewhat the bulk of this material, there can be no question with regard to the

historical importance of many of these letters. So far as hitherto published, they take us down to the period immediately following upon the Peace of Ghent, which may serve as a landmark in the public life of John Quincy Adams.

Adams cannot with justice, we think, be held to have been a great man; but he was on more than one occasion brought into close contact with the making of European history, and he was an honest and shrewd, though assuredly not unprejudiced, judge of men and things. Appointed at an early age to be minister at the Hague, Adams witnessed the difference between promise and performance in the treatment by the French Republic of the Dutch people. He had inherited to the full his father's prejudices against the British, and wrote from London in October 1794:

Their want of seamen is without a remedy, and must increase greatly even by the most brilliant victories. Their commerce suffers severely, and the moment they lose their naval superiority must be annihilated. . . . In short, the situation of this country, external and internal, appears to be perilous, and its prospects gloomy in the extreme.

To a man of Adams's nature the European prospect was, indeed, everywhere gloomy enough:

The prophecy of Rousseau that the ancient monarchies of Europe cannot last much longer becomes more and more infallible. . . . The opinions upon the theory of government are wild, discordant, and absurd, but the republican spirit is diffused everywhere. The essence of all the republicanism to be met with consists in aversion to the principle of inheritance. But this aversion is most extensively propagated; it is profound and inveterate. . . . If the experience of France gives an argument for analogy, nothing but the return of barbarism is to be expected. . . . The myrmidons of Robespierre were as ready to burn libraries as the followers of Omar; and if the principle is finally to prevail, which puts the scepter of sovereignty into the hands of the European Sans Culottes, they will soon reduce everything to the level of their own ignorance.

Writing to his father, Adams carefully explains that he has not 'the shadow of a wish' for either of the only two American missions in Europe: 'when the higher character is employed, I consider the English as an object of aversion and the French of indifference'.

A dislike both of the government and the national character, perhaps amounting to a prejudice, is the principal ground of the first, and the unsettled revolutionary state of the country is at least a counterbalance to any predilection I might otherwise entertain in favour of the latter.

Considering his prejudices, it was greatly to Adams's credit that he was strongly in favour of Jay's Treaty of 1794 and that he did all in his power to maintain the neutrality of the United States in the maritime war between Great Britain and France. There is a curiously interesting account of the influences making for war among Americans in Europe; but Adams's own conviction was not to be shaken that 'it does not appear that the proper mode of resistance against the exclusive ambition of Britain is by making war without an adequate naval force'.

On the attitude of the French republic Adams shrewdly remarks: 'There is indeed a curious sort of political speculation in the affectation of rage against a government with affection for its people when that

government is the mere creature of the people.' In spite of his dislike of England Adams recognized that 'by forcing a rupture upon us France necessarily assimilates and unites the interests of America with those of Great Britain'. After a special mission to London, Adams was from the autumn of 1797 to 1801 American minister at Berlin, whence his letters on the position of neutrals are of special interest in the light of recent history. After a short period of political life, wherein his cross-bench mind lost him the confidence of his electors as United States senator for Massachusetts, Adams was appointed in 1809 minister at St. Petersburg. ('You are supported by no party,' John Adams had written to him, you have too honest a heart, too independent a mind, and too brilliant talents, to be sincerely and confidentially trusted by any man who is under the dominion of party maxims or party feelings. . . . You will be countenanced neither by France, Spain, or England. You will be supported neither by federalists nor republicans.)

His stay at St. Petersburg was made congenial to him by his confidence in the Emperor Alexander and his minister, Count de Romanzoff. Here again the letters are in close touch with the situation arising out of the British Orders in Council and Napoleon's Decrees; whilst those dealing with the French invasion of 1812, though they may not add to our knowledge, are of interest as contemporary comments on great events. It was doubtless a disappointment to Adams that the war of 1812, between the United States and Great Britain, took place just when the latter had become reconciled to Russia, in his opinion, America's most disinterested friend; but the tact and good sense of Russian statesmanship prevented any ill consequences arising to their mutual relations from this cause. When that unnecessary and, in general, somewhat inglorious war was coming near to its close, Adams, as was natural, was chosen to be one of the American commissioners for the negotiation of peace. In those negotiations his main work seems to have been to write caustic replies which his colleagues attuned to a more diplomatic note. In truth, Adams could express himself caustically: witness the following comments upon American land operations at the beginning of the war of 1812:

If we go on at this rate, it is to be hoped that there will be prisoners enough in Upper Canada to take it, without needing any fire-arms. . . . As this propensity to surrender appears to be an infectious distemper among our troops, I am in daily expectation of hearing the third instance of it, which I hope will be the last for some time. . . . If not, the best thing we can do will be to turn unanimously disciples of George Fox and William Penn, and be conscientiously scrupulous against bearing arms.

It is only fair, however, to note that Adams loudly maintained that the experiences of the war at sea proved the superiority of the American sailor.

There is much else in these volumes of interest to students of American history. Adams was deeply concerned at the intrigues of the federalist Essex junto and the disloyalty to the Union displayed in his own native State. His confession of political faith is contained in a letter to his father of October 1811:

In that *Union* is to me what the *balance* is to you; and, as, without this, there can be no good government among mankind in any state, so, without that, there can be no good government among the people of North America in the state in which God has been pleased to place them.

We have dealt with some points of interest in these five volumes ; future volumes will show how this difficult son of a difficult sire found himself, like that sire, in time President of the United States.

H. E. EGERTON.

The Life of Barnave. By E. D. BRADBY. 2 vols. (Oxford : Clarendon Press, 1915.)

THERE are few good English biographies of French Revolutionary leaders. This book adds one to the short list. It is written with complete control of the relevant printed and manuscript sources, and though there are a few weak points in the setting and gaps in the bibliography—which is of course inevitable—one could hardly wish for a more satisfactory treatment of the central figure. The discussions of controverted questions, especially the great problem of Barnave's relations with the court, are conspicuously thorough and fair ; and the author's genuine and well-founded liking for the man himself hardly ever betrays her into special pleading. There is just a trace of 'the man with the sponge' in the account of Barnave's notorious 'Was it then so pure, the blood which has just been shed?', after the murders of Foulon and Berthier (i. 108 *seqq.*), and perhaps also in a few other passages ; but this is in no way a feature of the book.

Barnave's portrait, as it appears to the ordinary reader of revolutionary history, is apt to be indistinct. That is the fault of historians, for there was nothing nebulous about his character or his policy. Some essentials of the character are, it is true, revealed in the great episodes which no historian neglects—his fearlessness, his lack of vanity, and his high sense of honour. But only intimate study, such as Miss Bradby has given, could make clear the whole of his singularly attractive personality. The fearlessness is many-sided—physical danger, unpopularity, apparent failure leave it unimpaired. To absence of vanity is joined a complete absence of pose, and purity goes with honour. Barnave's self-analysis in youth—as a man of his age he was bound to analyse himself on paper—is the least irritating that I have come across from any contemporary pen, and there is nothing morbid in his clear-sighted estimates of his own blunders. The correspondence with relatives and friends is delightful. On the dignity of the last days and of the death there is no stain.

Miss Bradby has completed the picture of the man. She has herself given the first satisfactory account of his policy, distinguishing it from the policies of his friends with which it is often confounded. It has been too much the practice among historians to lump together 'the triumvirate', 'the party of Barnave', 'the Lameth party', as did contemporaries, with much more excuse. No writer on the Revolution, so far as I know, is quite free from this defect. So far has the confusion of Barnave with his colleagues gone that he has even been credited with the Lameth's rank : in the index to vol. viii of the *Cambridge Modern History* this son of a Protestant lawyer from Grenoble appears as a marquis. Not infrequently he has been connected with plans made by his friends after he left Paris at the beginning of 1792. All these things are now set in order

by his biographer. Barnave appears as a consistent liberal monarchist, who, just because he was prepared to go further than many liberal members of the assembly at the start, was never tempted to recant. He was not in the least afraid of his own handiwork in 1790 and 1791 as some of his best friends were of theirs; and there is no proof that he personally favoured constitutional 'reaction', for example the establishment of a second chamber, when the dangers of the new system began to show themselves. On the other hand, like every other man in the assembly with any trace of political insight, he was a consistent enemy of the law which excluded members of the Constituent from the Legislative. He was never a republican; because in his opinion a French republic would necessarily be federal and a federal republic necessarily weak. This is the real Barnave as his biographer shows him, not the repentant revolutionary or the 'man with two faces'.

An important contribution not only to the study of his policy but also to the general history of the Revolution is made by Miss Bradby in the sections dealing with the colonial question. 'The intricacies of this difficult question were not widely understood by his own generation; if one may judge from what has been written, one might almost venture to say that his part in it has never been understood since that generation passed away' (i. 314). Certainly his part is now clear enough, and it enhances greatly one's respect for Barnave as a practical statesman. His determination to face unpleasant facts, and postpone the application of principles which might lose France her colonies, brought upon him the verbose hatred of Brissot and his friends, 'Les Amis des Noirs', who have 'succeeded in creating permanent misunderstanding' among posterity. Yet, after all, as Miss Bradby clearly shows, the 'Brissotins' sacrificed principle just as much as did Barnave; only they made their sacrifice with less knowledge and inferior statesmanship.

The centre of any critical biography of Barnave must be his relations with the Queen. The episode preliminary to the discussion of those relations—the return from Varennes—is admirably handled. Then comes the question itself, which Miss Bradby answers—to the best of my belief—differently from any English or German and from most French writers. She accepts Barnave's declaration to his judges: 'I attest on my own head that never, absolutely never, have I had the slightest correspondence with the Palace.' Hitherto he has been to all of us in England, as he was to Lord Acton, 'the secret adviser of the Queen'. It is impossible to review the whole controversy here, but it must not be passed over. Miss Bradby's strongest point is the absence of any satisfactory reason why Barnave—always honest and fearless—should die with a lie on his lips, when he so conducted his defence that it was fairly certain that he would die anyhow. Against her there are masses of statements of every grade of trustworthiness. Madame Campan, the waiting-woman who posed as the confidante, is easily disposed of. Goguelat, the Queen's confidential secretary, less easily. Goguelat certainly told Mercy that the memoir which he brought from Paris early in January 1792 was in part the work of Barnave. But Goguelat may well have been misinformed, as contemporaries always assumed that Barnave and his friends were per-

manently inseparable. Miss Bradby fully allows that Alexandre Lameth and Duport had secret dealings with the Queen. Her opinion (ii. 154) that although Barnave may have known about the January memoir, yet it neither is in his style nor contains his characteristic opinions, must carry great weight. So must her reminder that it would be a little odd that, if Barnave was engaged in this delicate work, he should choose almost the very day of Goguelat's journey for, not a temporary but a final, departure from Paris to Dauphiné.

A conjectural emendation of B— into Barnave, made by the editor of Fersen's papers, is weighed and rejected: if accepted, it would be evidence, but not decisive evidence, for the prosecution. The most intractable witnesses are Alexandre Lameth himself and the Queen. Alexandre, in his old age it is true, endorsed the accepted narrative. But the printed endorsement of Alexandre is flatly contradicted in the manuscript memoirs of his brother Théodore; and Miss Bradby's explanation that Alexandre was either forgetful or led away by 'mistaken ideas of loyalty', writing as he did at a time when to have helped the Queen was a title to honour, is at the least plausible. Then the Queen. Her statement that she is well satisfied with 'Les Duport, Lameth et Barnave' is obviously not decisive; but to get over the sentence 'J'ai . . . une espèce de correspondance avec les deux derniers', Miss Bradby has to assume a—quite possible—mistake in ciphering, which produced 'derniers' instead of 'premiers'. As the original manuscript is jealously guarded at Vienna, the hypothesis cannot be verified. For myself I am inclined to accept it; and if it is accepted, the one quite decisive bit of evidence against Barnave's dying declaration vanishes. Should Miss Bradby's case—I call it hers, though she is not the first to hold that Barnave cannot have lied at his trial—should this case become accepted history, as I rather think it will, we shall have an uncommon reversal of a verdict in accord with much apparently decisive evidence. I may add that I agree—though at first I did not—with her refusal to accept the only explanation of Barnave's denial which quite fits his character, that he was shielding some one. If he was, one cannot see whom.

There is one point, however, connected with the denial on which I am not yet entirely satisfied. Barnave, after repudiating any 'correspondence with the Palace', added, 'never, absolutely never, have I set foot in the Palace'. 'Setting foot in the Palace' must be understood as meaning *privately*, adds Miss Bradby; 'it was well known . . . that he had often been there in his official capacity' (ii. 165). It is a pity that he did not say so; the statement as he made it suppresses truth, and it is not certain that all his judges and auditors would supply for themselves Miss Bradby's gloss. What was well known in 1791 had often been forgotten by 1793. This economy of truth in the second repudiation leaves it still just possible—no more—that the first is less decisive than it seems. Those who cannot accept the emendation of Marie Antoinette's cipher may fall back on some hypothesis of 'indirect correspondence', such as Miss Bradby discusses and rejects, to balance 'official' setting foot in the palace. One cannot feel absolutely certain until that cipher has been examined again. It was published by Feuillet de Conches, not the

most accurate of editors; the Austrian government would not permit MM. de la Rocheterie and de Beaucourt to examine the Queen's letters afresh in 1895-6; and the chances of any Frenchman or Englishwoman seeing them in this generation are now smaller than ever.

Some scattered criticisms of minor points may be collected. It would have been interesting if we had been told more of the influence of Mably on the formation of Barnave's mind. It is merely referred to, but not explained (i. 29). The fact is that Barnave's single-chamber constitutional monarchy, much more democratic than that of eighteenth-century England, comes straight from the 'republican monarchy' of Mably. On p. 42 one wonders whether 'caste' is a correct translation. Did Barnave really write of the Tiers État as a 'caste'? If he used the word, should it be retained in an English version? On p. 188 we are told that the creation of the departments 'is always attributed to Sieyès, but it was Thouret who proposed it in a famous report'. The suggestion seems to be that perhaps Sieyès has got undeserved credit; but 'Thouret's' report is in fact almost pure Sieyès, and is printed among Sieyès' works. The account of the club of 1789 on p. 224 (and elsewhere) is, I think, a trifle too hostile. Barnave, of course, disliked the '89 and the '89 disliked him. For once, Miss Bradby reflects a little contemporary passion; yet it is a very faint reflection. The same is perhaps true of her attacks on the Girondins, the 'artists in calumny of the Revolution' (ii. 283); but certainly Brissot deserves all that he gets at her hands. Whenever he touched affairs of weight he did harm, and his treatment of Barnave was detestable.

The technical side of the book—notes, bibliography, list of Barnave's speeches and index—is very complete. The style, at first a little naïve, acquires ease and dignity as the story develops, and, at the great crises, becomes fully sufficient for the theme, and the theme is no small one. Though Barnave, as Miss Bradby says, was neither an originator nor a man of genius—'merely' a man of high character and the highest talent—his life demands something more than patient historical craftsmanship, some touch of his own vigour and self-forgetfulness; and this it has found in his biographer.

J. H. CLAPHAM.

The Journal of the Joint Committee of Fifteen on Reconstruction. By BENJAMIN B. KENDRICK, Ph.D. (New York: Columbia University Press, 1914.)

IN this volume—the sixty-second volume of studies in history, economics and public law issued by the faculty of political science in Columbia University—Dr. Kendrick publishes a Journal, of which only one copy has been previously printed, and of which his university has recently acquired the original manuscript.

The joint committee on reconstruction was appointed in December 1865 to report upon the condition of the confederate states, and to propose the terms upon which they should be readmitted as normal states into the union. During its deliberations they were to have no representatives in

congress. The joint committee sat until March 1867, and its suggestions were substantially adopted in what is known as the fourteenth amendment of the United States constitution. Dr. Kendrick has written a dispassionate survey of the origin and personnel, the conduct and outcome of the joint committee. On the downfall of the confederacy in April 1865 the presidential policy had favoured the early erection of early 'loyal civil governments' in the secessionist states. Lincoln had recognized four; Johnson, seven. The legislature, however, was not disposed to tolerate the executive's idea of easy and universal amnesty. The joint committee was accordingly created to destroy the political influence of the south by insisting on certain conditions precedent to readmission to the constitution, and a majority of its members, of whom the acrid Thaddeus Stevens was the chief, were resolved from the first to treat the south as conquered states. Their aim was not so much 'reconstruction' as the humiliation of the south. Such an object appealed to the prevailing passion, and offered 'an ingeniously contrived party platform for the coming fall elections'.

The contents of the Journal itself have little intrinsic interest. The committee mainly wrangled over words. The evidence submitted to its members consisted mainly of *ex parte* statements by northern army officers, alleged 'loyal' refugees, and agents of the freedmen's bureau. That of General Lee alone has permanent interest. The witnesses were mainly partisans, called to show the inexpediency of restoring the late confederate states to their old rank in the union without first imposing stringent guarantees against power passing back to the sometime governing classes. Stevens used their stories as material for his partisan propaganda against the weak vessels who were willing 'to caress those whose hands are red with the blood of our murdered kinsmen'. Dr. Kendrick is not satisfied that the committee's concern for the negro was really fruitful. Forty acres and a mule would have benefited him more than a vote by ballot.

From the welter of debate and division the fourteenth amendment emerged. No state was to abridge civic privileges nor 'deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws'. This was its cardinal section. Disabling provisions against former 'rebels' and a disclaimer of all liability for debts incurred by the confederate states had really no proper place in a constitutional amendment, and amounted in this context, says the editor, to 'mere political buncombe'. The later history of the fourteenth amendment is, however, singularly interesting. It was at first imagined to be a simple generalization for the benefit of the coloured race as a class, and in no way to interfere with the power of a state to regulate the civil rights of its citizens. In 1882, Roscoe Conkling, who had been one of the joint committee, acting as counsel for the Southern Pacific Railroad Company, argued in a leading case that the term 'person' would cover a corporation, and that upon the true construction of the fourteenth amendment a state could not validly pass discriminating laws against his clients. He used the manuscript of the Journal under review to prove his point, an artifice which would not have been

allowed in an English court, but which appears to have been decisive in its effect on United States tribunals. In later years Conkling's view has been adopted by the American courts, and Dr. Kendrick holds that he was right in his contention that the committee had in fact intended the amendment to apply to white and black alike. From 1889 to 1898 a series of cases, decided upon this ground, established the right of railway corporations to defeat inequitable rates by appealing to the fourteenth amendment. Its humanitarian verbiage has become 'the Magna Carta of accumulated wealth and organized capital'.

The Journal is thus a document of legal and historical note, though in itself little more than a minute book. Dr. Kendrick's chapters of commentary are well and judiciously written. The absence of an index in a book of 414 pages is to be regretted, and an appendix setting forth the text of the fourteenth amendment in its final form would have been welcome.

GERALD B. HERTZ.

The Place-names of Cumberland and Westmorland. By W. J. SEDGEFIELD, Litt.D. (Manchester: The University Press, 1915.)

PROFESSOR SEDGEFIELD acknowledges in his preface that very few of the etymologies propounded in this book can be regarded as certainly correct. This candid confession will not do him any harm in the estimation of scholars who are able to appreciate the extraordinary difficulty of the task which he has undertaken. In the interpretation of the place-names of a southern county any good Anglo-Saxon scholar who will undergo the necessary labour of documentary research can hardly fail to reap a considerable harvest of certain results. A very large proportion of the names in these districts are recorded in pre-Conquest charters; and where these sources fail, the evidence of Domesday Book and of documents of the twelfth and succeeding centuries is often quite unequivocal. The names, also, with comparatively few exceptions, are all of Old English origin. In Cumberland and Westmorland the conditions are altogether different. A very few of the names, near the borders of Lancashire and Yorkshire, occur in Domesday Book; there are no pre-Conquest charters, and the documentary evidence for early forms seldom goes further back than the thirteenth century. Then the Cumberland and Westmorland names, instead of being homogeneous in origin, are partly Old English, partly Scandinavian, and partly British; and for historical reasons it is antecedently probable that the names of Old English formation will be found to be a minority. The investigator of the local nomenclature of this region should come to his work prepared by an extensive and minute study of the place-names of other English districts where the documentary evidence is more abundant and trustworthy; he should, in addition to Old English scholarship, possess a fair knowledge of Old Norse, and of the main results of Welsh historical philology; he should have given some attention to the local and personal nomenclature of Scandinavia and Wales; and he should be thoroughly familiar with the laws of development of English sounds, especially with reference to the north-western dialects. There is happily nothing in

this volume to compromise Dr. Sedgefield's reputation as an Anglo-Saxon scholar; but in all other respects his equipment is obviously inadequate. Even if he had possessed all the qualifications needed, he might still have found cause to lament the paucity of his absolutely certain results; but his estimate of relative probabilities would have been very different from what it is, and very many of his conjectures would never have been proposed.

In a review of Mr. Roberts's *Place-names of Sussex in The Modern Language Review* (April 1915), Dr. Sedgefield expressed the opinion (in which I fully agree) that much of the recent investigation of place-names has been conducted too exclusively on phonological lines. He has certainly avoided this error in the recent work, but only to fall into the opposite and more mischievous error of ignoring historical phonology altogether. He will no doubt think this accusation quite unjust; and it must be admitted that in his introduction he has recognized the importance of phonology as fully as any one could desire. I am speaking, however, not of his theory but of his practice; and very many of the etymologies in this book set all phonetic laws at defiance. Here are a few specimens. (Holme) Cultram, it is said, is 'perhaps' derived from the Old English female name Cœlthryth or the Old Norse female name Koltorfa. Brigsteere (in the fourteenth century *Brigster*, *-stere*) is 'probably' the Old English personal name Beorhthere, the place-name being assumed to have lost its terminal element. The author seeks to justify the supposed phonetic change by appealing to the fact that the name Beorhtric (or rather its metathetic variant Brihtric) appears once in Domesday as *Brictric*. To those who have studied the orthography of Domesday Book, this eccentric spelling offers no difficulty. It is well known that the Norman scribes were at a loss how to render the English palatal *h* before *t*, and often expressed it by *s* (in this instance by *cx*). There is even reason for believing that in early Old French *st* at the end of a word was pronounced just like the Old English *ht*, so that the spelling *Brictric* was as near to being phonetically correct as the system of notation allowed. If it were true that Briht- was at any time pronounced *brikst*, Dr. Sedgefield's etymology would be unobjectionable on phonological grounds, though other reasons would remain for rejecting it. Dr. Sedgefield seems to be unaware that the Old English and Old Norse *g* in certain conditions represented not a stopped but an open consonant. He derives Drigg (in early documents usually *Dregg*) from the Old Norse *drög*, the plural of *drag* (not, as the author says, of *draga*); but if this vocable had survived it would have become *draw*, just as *leg* has become the modern English *law*. Similarly, Eaglesfield is unhesitatingly said to contain the genitive of the name Egill, without any intimation that *Egils-* ought by phonetic law to have become something like *Ails-*. For the first element in Wickersgill the author suggests, as alternative possible etyma, Wigheres and Wigheardes, which would normally have yielded *Wyers-* and *Wyards-* respectively.

Dr. Sedgefield's disregard of phonology seems to be due in part to a fixed idea that, owing to the omnipresence of popular etymology, a place-name may generally be presumed to have had originally some

meaning different from that which the accessible evidence indicates. This notion is rather common among beginners in local etymology, though it is usually soon abandoned when the subject comes to be methodically studied. Dr. Sedgefield has evidently not yet unlearned the beginner's exaggerated mistrust of everything in etymology that lies on the surface. He rejects the obvious derivation of Appleby, Applegarth, Applethwaite, and Appleton, and prefers to derive them from the Old English personal name Eadbeald. Now the ordinary word for an apple-orchard is in Old English *æppeltūn*, and in Old Norse *æplagarðr*; there are in England very many Appletons, and at least four Applebys; Appleton appears in A. D. 964 in the unequivocal form, *Æppeltūn*, and Appleby in A. D. 1002 in the form *Æppelby*¹; not one of the four names enumerated has any trace of genitival inflexion in its first element, and no earlier form cited for any one of them is in the least unfavourable to derivation from 'apple'; and, lastly, the words *by*, *garth*, and *thwaite* are not Old English but Scandinavian, so that it is not antecedently likely that the word to which they are appended will be found to be an Old English personal name. All these considerations go for nothing with Dr. Sedgefield. The only argument that he adduces for his strange conclusion is that the Sussex Applesham (in Domesday *Aplesham*) contains the genitive of a personal name, 'which we may almost certainly take to be Eadbeald'. That Applesham does contain a personal name is not unlikely; but the assumption that this name is Eadbeald, first contracted into *Abbel-*, and then corrupted by popular etymology into *Apple-*, seems impossible in view of the early date at which the place-name is recorded. If it were really necessary to regard Applesham as a corrupted name, the simplest conjecture would be that an original *Apulderham* (from *apuldre*, apple-tree)—a name which occurs elsewhere in the same county, now written Appledram—had been altered into Applesham through the analogy of the many place-names in which *-ham* is appended to a genitive in *-es*. In support of this conjecture it might be urged that one of the documentary forms of Appledram is *Apuldrasham*. I do not myself regard this as probable; but even when it is admitted that Applesham is a personal derivative, there is not the slightest reason for assigning a similar origin to any one of the many names beginning with *Apple-* without the appended *s*.

In the same manner, Dr. Sedgefield refuses to believe that Plumpton means a plum-tree orchard, or a farm where plums were grown. He refers to Professor Moorman and Professor Wyld as having given this explanation for the Yorkshire and the Lancashire Plumpton respectively, but, without alleging any reason, says that he considers it unlikely. He thinks the name is a corruption of *Plegmundes-tūn*, the farm of a man named Plegmund. The only documentary forms cited are *Plumton* (A. D. 1238), *Plumpton* (A. D. 1274), and *Plomton* (A. D. 1342), so that Dr. Sedgefield's derivation rests on no evidence whatever. He says that Plegmund was 'a common name'; but as only two persons of the name are known, this statement seems to be an inference from the commonness

¹ This is not a hybrid formation; in an English document the Norse word was naturally anglicized in form.

of the place-name. There are at least eight Plumpton in England. Are we to suppose that each of them belonged to a man named Plegmund, and that the same strange corruption took place in every instance? Or if not, is there any reason for singling out the Cumberland Plumpton as having a different origin from the rest? Dr. Sedgefield does not say that he supposes 'Plum' to have been a nickname or a popular shortening for Plegmund. This would be a baseless, and, I think, a most improbable conjecture, but it would at any rate reduce the number of unlikelihoods to one. The author seems to be conscious that his view involves a phonological difficulty, which he seeks to obviate by saying that the name Plegmund occurs in the forms *Plemund* and *Pleumund*. This does not really help at all, for *Plemund* comes from a late copy of a charter abounding in misspellings, and *Pleumundus* from Henry of Huntingdon (twelfth century); and both references are to the archbishop who flourished about A. D. 900.

The same curious preference for the 'far-fet and dear-bought' is exhibited in the treatment of the name Cuning Garth, which belongs to two places in Cumberland, and for which the only earlier form cited is *Conyngarth Hill* (A. D. 1539). This name is simply the well-known English word *conygarth*, a rabbit warren, of which the plural form *cunnyn-garthis* is quoted in the *Oxford Dictionary* from a document of A. D. 1494. It is not easy to believe either that the author never thought of this commonplace explanation, or that he deliberately rejected it; but no third supposition is possible. He says that the name is 'from the Old Norse *konungr*, a king, probably used as a personal name', and adds that a place called *Konungsgarðr* is mentioned in *Sturlunga Saga*. But the name in the Saga means 'king's garth', not the 'garth' of a man named Konungr. If Dr. Sedgefield has really discovered an instance of Konungr used as a personal name, he ought to have given the reference.

Historical students may be expected to turn to this book in search of evidence showing the local distribution of the three chief ethnical elements of the early population. I fear that for this purpose it will be more misleading than useful. The proportion of the Old English to the other linguistic elements in the local nomenclature of Cumberland and Westmorland is, I am convinced, far smaller than it would appear to be from Dr. Sedgefield's etymologies, because he prefers to assign a name to an Anglo-Saxon origin wherever it is not absolutely impossible. As a general though not infallible rule, when a place-name ends in a distinctively Scandinavian word, such as *by*, *garth*, *gill*, and *thwaite*, there is a reasonable presumption that the initial element is also Scandinavian, and not Old English. It is true that in Cumbria names of mixed linguistic origin seem to have been somewhat less uncommon than in other parts of England; and the etymologist ought to be on his guard against allowing any abstract theory to prevent his acceptance of a hybrid derivation when it is supported by evidence. Still, when a place-name has a Scandinavian ending, and an Anglian and a Scandinavian etymon for its first component are on formal grounds equally possible, it is reasonable to prefer the latter. Dr. Sedgefield, however, appears to have persuaded himself that hybrid formation in place-names was rather the rule

than the exception, and his first thought, when the first element of a place-name is obscure, seems usually to have been to try whether it could be identified with any of the Anglo-Saxon personal names collected in Searle's *Onomasticon*. Now that laborious work (which Dr. Sedgefield himself describes as 'often uncritical', though he never supplies the needful criticism) abounds in pitfalls for the unwary, which the author has not always been able to avoid. An Old English charter contains the words 'on Heardan lege pære is oper nama Drygan leg', which may be translated 'to Hard Lea, otherwise called Dry Lea'. As 'hard' and 'dry' are epithets that might very naturally be descriptive of the same piece of ground, it is not at all surprising that the place should have had these two alternative names. Mr. Searle, however, mistook the adjectives for the genitives of local names, Hearda and Drȳga, which he has therefore inserted in his list. Dr. Sedgefield has, fortunately, not found any use for Hearda, but he makes the equally imaginary Drȳga the eponymus of Dry Beck, Drybarrow, and Dry How.

One of the many strange vagaries of the *Onomasticon* is the inclusion of a number of names that never were Old English at all, being in fact the names of Germans or Scandinavians mentioned in continental records. Any one who wishes to make use of the book for a comprehensive study of Old English personal nomenclature will do well to begin by drawing his pen through all these misleading entries. Mr. Searle, for instance, found a name Stenbeorn in Nielsen's *Old Danish Personal Names*, and as he imagined that *Stegen-* was an Anglo-Saxon name-element (it is really the anglicized spelling of the Norse *Stein-*, corresponding to the Old English *Stan-*) he assumed that Stenbeorn was a shortened form of Stegenbeorn. (The name Steinbjörn, by the way, was rather common in Iceland.) Dr. Sedgefield has fallen into Mr. Searle's trap, and gives the alleged Anglo-Saxon Stegenbeorn as a possible origin for the place-name Stainburn. This is only one of several instances in which he has supposed that a local name, in its present and all its known earlier forms, consists of a personal name only, without any affix. I have already mentioned one example of this assumption in his explanation of Brigsteere; other examples are Shap, Crook, and Hoff. There is no support for this sort of etymologizing in the known phenomena of English local nomenclature. There are perhaps a few instances in which a local suffix like *-ham* or *-ton* has been dropped after the genitive of a personal name; but they are very rare. It is true that sometimes, as in Holm Patrick, the name of an owner has been appended for distinction to a common place-name. Dr. Sedgefield is therefore not violating any sound general principle when he identifies the second part of the name Newton Reigney with the 'Anglo-Saxon' personal name Regenwig. But unfortunately Regenwig is not known as an Anglo-Saxon name, but is a German name which Mr. Searle found in Förstemann; and, as a matter of fact, Reigney is the surname De Reigni, which is of continental and not of insular origin.

Dr. Sedgefield's derivation of Ackenthwaite and Yavenwath (now Yanwath) from the genitives of the personal names Acca and Eafa involves the assumption that the north-western dialect of Old English

possessed the suffix *-an* of nouns, which is wanting in late Northumbrian. This is not very likely, and the proposed etymologies are open to other objections. Possibly Yaven- may represent Avon (compare the Westmorland *yabble* for *able*, *yacker* for *acre*); if Eamont means 'meeting of rivers', the river must originally have had some other name, which may have been Avon. The suggestion, however, must be admitted to be very doubtful.

One or two points relating to Scandinavian philology seem to call for remark. Dr. Sedgefield mentions without disapproval Mr. Wyld's derivation of Winandermere (now Windermere) from an unrecorded Old Norse personal name Vignandr, alleged to be the formal equivalent of the common Old English name Wignōþ. No such Norse name can ever have existed; Mr. Wyld has made the curious mistake of attributing High German phonetics to Old Norse. The Germanic name-element *-nanþoz*, which regularly became *-nōþ* in Old English and *-nand* in Old High German, does not seem to have been used in Scandinavian personal nomenclature; and if it had been so used, its Old Norse form would, by phonetic law, have been not *-nandr* but *-nannr*. It is unlikely that the ending *-set*, *-sete*, *-sate*, frequent in early forms of Cumbrian place-names, can represent, as the author supposes, either *setr*, a farm, or *sætr* (plural), mountain pastures, because the final *r* in those words is not flexional but thematic, and would not normally have been dropped. Dr. Sedgefield constantly cites the Old Norse word for a ford as '*vaðr*'. The correct form is *vað*; the masculine *vaðr* means a fishing-line.

Dr. Sedgefield does not profess to be able to treat of Celtic etymology, and he has entirely ignored the many interesting names of rivers and mountains. It may be said, truly enough, that these are not strictly 'place-names'; but the value of the work would have been much enhanced if the author had registered their early documentary forms where they exist, and quoted any tenable etymological suggestions that have been made by scholars of repute. A few names are admitted to be probably or possibly Celtic; but some of Dr. Sedgefield's rare conjectures respecting their derivation are inconsistent with the evidence he adduces. Thus the early forms of Castle Carrock show that the name does not contain the Welsh *careg* or the Gaelic *carraig*, a rock, but the adjective *kairoc* (Welsh *caerog*), fortified.

In a 'Word List' at the end of the volume, a note of interrogation is attached to the names of which the explanation is admitted by the author to be doubtful, and an asterisk to those of which the explanation is to be regarded as merely probable. The names which are not marked in either way he believes to be of 'practically certain' etymology. The enormous number of the notes of interrogation (which, one would think, must have severely tried the resources of the printers) is highly creditable to the author's candour, and is no reproach to his scholarship. I have taken the trouble to compile a list of the names which he believes himself to have interpreted with practical certainty. To my great surprise, I find that their number is not less than 160. Considering the enormous difficulties to which I have already referred, this would really be no contemptible result, if only it could be accepted; but I am afraid

that very many of the etymologies in the select list will be pronounced by scholars in general to be quite untenable. Still, I believe that a considerable minority of them are based on unassailable evidence. Among these—choosing such as are on one ground or another interesting—I may mention the following: Dovenby was the farm of a Norseman named Dólgfinnr; Aglionby, Moresby and Ponsonby preserve the names of Norman owners; Flimby was the farm either of a Fleming or of a man named Fleming; and Garrigill contains the personal name Gerard.

I much regret that I have been unable to speak more favourably of the work of a scholar who, in his own proper field, has done valuable service. It is not likely that Dr. Sedgefield will assent to many of my criticisms; our fundamental principles are too far apart. But I trust he will believe that my remarks have not been inspired by any hostile bias, and that if I have anywhere done him injustice I have not done so wilfully. The fashion of the moment has decreed that a professor of English philology is bound to distinguish himself as an investigator of English place-names. In fulfilment of this supposed obligation, Professor Sedgefield has undertaken a task which can hardly have been very congenial, and for which his previous studies had not prepared him.

HENRY BRADLEY.

Short Notices

L'Hellénisation du Monde Antique (Paris: Alcan, 1914) consists of thirteen lectures on Hellenism delivered at the École des Hautes Études Sociales. Five are by M. Adolphe Reinach, while MM. Chapot, Colin, Croiset, Théodore Reinach, and others each contribute one. The book opens with a good account, which studies and almost attains clearness, of the arrival of the Greeks in the Aegean area and their relations with the 'Minoan' civilization; passes on to the age of colonization, and then, wisely refusing to repeat the oft-told history of the fifth and fourth centuries, passes almost at once to the work of Alexander and the Diadochi. The lectures are attractive in style and thoughtful in treatment. We are reminded that they are lectures by a certain fondness for phrasemaking and for rather strained connexions between ancient and modern history: as when the modern Greek's dislike for the turban is directly derived from the classical contempt for Persian mitre and Phrygian cap, or when we are told that the concert of Europe is (or was) the work of Alexander, and that but for Antiochus Epiphanes there would have been no Gospel. The lectures on Hellenism under the Diadochi which were most worth doing are perhaps the least well done. The subject has received much attention from historians recently, and much new light has been shed on it. But these lectures, except M. Jouguet's sketch of Ptolemaic Egypt, are vague and almost superficial. No adequate description or estimate of the governmental system of the Hellenistic powers is given, and, though we hear much of the spread of Hellenism by the foundation of towns, we look in vain for any clear picture of the life and constitution of a Greek town under Seleucids or Attalids. Otherwise the book is interesting and often suggestive reading, especially M. Croiset's thoughtful contribution, and its value is increased by the well-selected bibliography which accompanies each section.

H. J. C.

The two professors of the University of Illinois, Mr. W. A. Oldfather and Mr. H. V. Canter, who are jointly responsible for a study of *The Defeat of Varus and the German Frontier Policy of Augustus* (Urbana: University of Illinois, 1915), think it necessary to assure us that the fact that they have been 'compelled to destroy in scientific candor a certain glamor which has been attributed to an early period of German history' has not the slightest bearing upon their attitude toward German character and achievement, for which they 'entertain the most sincere respect'; and it is but just to recall that though much was written at the time of the 1900th anniversary of the defeat of Varus which was false or exaggerated,

a sober and objective view of that famous event has been taken by Eduard Meyer and other recent writers in Germany to whose works the Illinois professors are indebted. Their essay is based on a very careful and thorough study of the ancient and modern sources, and the most important conclusions reached are that no attempt was seriously made by Augustus to reduce Germany to the form of a province or to advance the frontier to the Elbe, and that the disaster which befell Varus and his legions had not the epoch-making significance often attributed to it, but was a local reverse which the force at the disposal of the Romans was amply sufficient to repair. Whilst allowing that Teutonic enthusiasts may have invested Arminius with a halo to which his actual achievements give him no sufficient title, we are not sure that the Illinois professors have not fallen into the contrary error. Their depreciation of the authority of Velleius Paterculus, who is after all our only contemporary witness, seems not altogether justified. The impression which the reader of his work derives is certainly that the subjugation of the German tribes and a consequent extension of the imperial frontier was intended by Augustus, and that the combined operations against Marbod which were to have been undertaken by Tiberius and Sentius Saturninus (whose name is condensed into 'Sentinus' on p. 75) in A. D. 6 would have set the seal on the process. The great Pannonian revolt, which undoubtedly made a deep impression on the mind of contemporary Rome and imposed a heavy strain on her military resources, might not, if it had stood alone, have finally checked Augustus's schemes of expansion; but the disaster to Varus, following closely upon it, turned the scale in favour of the more cautious policy. Such a view seems at least tenable, in spite of the arguments adduced in this essay: but it is none the less worth reading. H. S. J.

M. Henri Graillot's elaborate study of *Le Culte de Cybèle à Rome et dans l'Empire Romain* (Bibliothèque des Écoles Françaises d'Athènes et de Rome, fasc. 107; Paris: Fontemoing, 1912) is a lengthy and somewhat diffuse work which falls within the province of students of comparative religion rather than that of historians, but is worthy of a brief mention in these columns on account of the political and administrative significance of this oriental cult in Republican and still more in Imperial Rome. M. Graillot gives us a very full collection of material, and though he has not very much to add to the deductions which other scholars have drawn therefrom, he argues convincingly against Wissowa's view that it was not the first but the second Claudius who gave official recognition to the spring festival of the Great Mother, and has a good deal to say about the *Taurobolium*, especially when celebrated *pro salute principis*, which is of interest to historical students. The attribution of the relief in Villa Medici, showing the temple of Magna Mater, to the Ara Pacis Augustae (p. 112) is out of date. H. S. J.

The special 'study in the sociology of the Teutonic races' which forms the subject of *Kindred and Clan in the Middle Ages and after*, by Miss B. S. Phillpotts (Cambridge: University Press, 1913), discloses much that is of interest in itself, and leads to some general results of considerable value.

Working in detail over a great part of the field, Miss Phillpotts has investigated the question 'how long the solidarity of the kindred survived as a social factor of importance in the various Teutonic countries'. It is in this downward tracing of the subject that her work differs most conspicuously from that of Mr. Seebohm and other writers, and one advantage resulting from this difference is that the evidence consists largely of definite instances instead of abstract legal provisions. This does not, however, prevent the investigation from being at times fairly complicated, and widely different views have actually been based on the same set of facts, especially when (as in Iceland) the particular instances are not easily reconcilable with each other or with the rules of the law-books. The fullness of the old Icelandic material has led Miss Phillpotts to start her inquiry from that point, and she then goes on, in geographical order, to examine the evidence from the other Scandinavian countries; after these come North Germany and Holland, Belgium and Northern France, and finally England. This order, however natural and convenient for making the necessary studies, is perhaps not the one best adapted for the presentation of the results. From the copious and valuable material which Miss Phillpotts has collected and discussed, it clearly appears that in this respect, as in some others, the old central Teutonic area remained less affected by change than the outer fringes, the new lands acquired by emigration and conquest. It is in the central districts, in the old-established communities of southern Sweden, Denmark, northern Germany and northern Holland, that the ties of kinship continued longest to have real legal importance. The evidence which is here produced from these countries as to the survival of *wergelds*, and the participation of the kindred in receiving or paying them as late as the seventeenth century, is in many instances very remarkable, and forms a curious contrast to the subject-matter of the chapters dealing with Iceland and England. In the concluding chapter Miss Phillpotts does not fail to draw the natural conclusion from the facts, that the kinship-system broke down earliest in those communities which had migrated by sea, and in which consequently the kindred groups were most readily disintegrated. The lack of an older native literature in the central Teutonic area has obscured so many points of historical, social, and linguistic interest, that it is satisfactory to find this one so clearly established by Miss Phillpott's careful and original investigation.

W. A. C.

Einhard's Life of Charlemagne, the Latin text, edited with introductions and notes (Oxford: Clarendon Press, 1915), is intended, as the authors, Mr. H. W. Garrod and Mr. R. B. Mowat, tell us, mainly for students reading for a university examination, and therefore, though the editors criticize the *apparatus* of Waitz, is hardly meant to compete with his edition as a critical text, only four manuscripts having been in fact used. The character and contents of the book are clearly set before the readers in the short introduction, though the rather polemical criticism of the character of the hero seems out of place in a work of this kind, and the authors are much behind the times in the literature of the subject, knowing nothing of Kurze's edition of the *Annals* or of the quarto editions of the

Codex Carolinus and the Capitularies in the *Monumenta Germaniae*. The notes are also clear and to the point; but do the readers need to be told the meaning of 'oceanus' and 'mare Balearicum'? If so, they will certainly be misled by the use of 'Vienna' on p. 69. The criticism of the limits ascribed by Einhard to Charles's earliest dominions in Gaul (p. 58) is based upon a misunderstanding of his meaning (he intends to exclude all the country south of the Loire); and some reason should have been given for the rejection of Roncesvalles as the site of the defeat of 778 (p. 52). On p. 42 Sigebert II and III are confused. The statement that Eudo of Aquitaine (why called 'Odo'?) summoned the Arabs to his aid (p. 44) is very doubtful. The true story seems to be preserved by the so-called Isidore Pacensis. The editors apparently believe the *Annales Petaviani* to be named from a place instead of from a man (pp. xxxi, 47), and there can be no justification for calling Avars 'Hungarians' (pp. xlv, xlv). 'Kursch' for 'Krusch' (p. 45), though it occurs twice, is perhaps a misprint. The volume contains a genealogical table (p. 63), an index, and a map. In the last Charles would probably be surprised to find the papal territories excluded from his dominions.

E. W. B.

Dr. I. H. Gosses contributes to the *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, fifth series, ii. 2-4 (1914-15), a careful study of the formation of the county of Holland, which he traces from its first obscure emergence in the ninth century down to the thirteenth. Y.

Don Eduardo Ibarra y Rodríguez, who edited 150 charters of the reign of Ramiro I of Aragon in 1904 (see *ante*, xx. 824), has supplemented the collection of documents of his son Sancho, all relating to the monastery of San Juan de la Peña and its property, which was published by Don José Salarrullana de Dios in 1907 (see *ante*, xxiv. 824) by a volume of private charters of that reign derived from the same religious house (*Documentos particulares correspondientes al Reinado de Sancho Ramirez, 1063-1094, y procedentes de la Real Casa y Monasterio de S. Juan de la Peña, Zaragoza, 1913*). Only 4 out of the 87 documents contained in the book are printed from originals; but a good many are found in early or even contemporary transcripts. By far the majority of the charters, however, are derived from two chartularies, one for the most part of early date and the other a copy of the seventeenth century, which came to light in 1905 in the Benedictine nunnery at Jaca, and are now preserved in the Archivo Histórico Nacional. In printing these the editor seems to have taken his texts by preference from the later chartulary, but he has fully recorded the variants of the earlier one. It is sufficient here to call attention to this valuable contribution towards the study of Aragonese documents, which has hitherto been much neglected from the want of accessible materials. Z.

The two series of calendars of the chancery enrolments of the reign of Edward III have received the addition, since our last notice, of volumes xiv (1367-70) and xv (1370-4) of the *Calendar of Patent Rolls* and of volume xiv (1374-7) of the *Calendar of Close Rolls* (London: H. M.

Stationery Office, 1913-14). The completion of the latter calendar and the approaching close of the former is a suitable opportunity to congratulate the deputy keeper of the public records and his staff of editors and indexers on the accomplishment of the heaviest piece of work they have undertaken in this field. No other medieval calendar exceeds six volumes, and the fourteen of the close rolls of Edward III were in course of publication for nearly twenty years. We hope it is not ungrateful, when so much has been done for the historical student, to express regret that the numbering of the volumes, which was the result of a suggestion made in this Review, has never been extended from the title-page to the back. In consequence of this useless half-measure, historians have still, and will always have, to make their references not to volume and page, but clumsily to year-limits and page. The greater fullness of the close roll indexes as *indices rerum* continues to the end. Thus, for instance, the entries grouped under the heading 'Law and Administration' cover two columns and a half. The indexer of the *Calendar of Patent Rolls* has not such space at his command; but he has done something, and volume xiv contains for the first time a glossary of rare words. More would be possible if a less wasteful system of printing the cross-references under general heads like 'Alien Priors' were adopted. The correction of the much anglicized Welsh names of the rolls is not always quite successful. 'Rhyfiniog' is nearer to the original than 'Reweynok', but a closer approximation is possible. J. T.

M. Paul Thomas published last March in the *Revue Historique*, cxviii. 2, three letters of Thierry Gherbode, of Ypres, who was in the service of the dukes of Burgundy from 1384 to 1422. The two first relate to the sentence against Liège in 1409. The third and most important, dated 23 February 1415, has to do with the publication of the Treaty of Arras, on which it throws useful light; incidentally it contains a reference to the likelihood of an English invasion in the following year. All three letters come from the Archives du Nord. M. Thomas has discussed adequately any points raised by the letters, and has added valuable notes on their contents. C. L. K.

The greater part of the last two volumes of the *Jahrbuch für Schweizerische Geschichte* (xxxix, xl, 1914, 1915) is occupied by an elaborate account by Dr. E. Gagliardi of the relations of the French and Milanese with Switzerland and the allied leagues from 1495 to 1499, and of the history of the Suabian war. The work is illustrated by unpublished documents and diplomatic correspondence. A.

The *Journal of Prior William More*, who was prior of Worcester from 1518 to 1535, is a folio manuscript volume in Worcester Cathedral Library containing the receipts and expenses of Prior More during the whole period in which he held office. It has been edited for the Worcestershire Historical Society by Miss Ethel S. Fegan (London: Mitchell, Hughes & Clarke, 1914). The accounts are in English throughout, and are therefore valuable on philological grounds as well as for the information which they afford as to prices. In addition to provisions for the prior's household, the charges

include outlay on fabric and occasional interesting entries of payment for ecclesiastical vestments, plate, books, and the production of manuscripts; and there are a few notices of external events such as the birth of the Princess (afterwards Queen) Elizabeth (p. 373). The purchases of books have been collected in an appendix, and an attempt has been made to identify them with volumes still remaining in the cathedral library, but, in the absence of marks of ownership in the volumes themselves, the identifications fail to carry conviction. Extracts from a companion volume to the journal, containing some additional accounts, are given in a second appendix. Finally a good subject-index adds considerably to the utility of the publication.

H. H. E. C.

The seventh volume of the *Papers of the British School at Rome* (London: Macmillan, 1814) includes an interesting diary of 'The Grand Tour of an Elizabethan' printed by Mr. A. H. S. Yeames from the Sloane MS. 1813 in the British Museum. The traveller was Sir Edward Unton of Wadley near Farringdon, and he made his tour in 1564: he thus ranks in point of time between Thomas Hoby and Fynes Moryson. He went up the Rhine and across the Brenner into Italy, and spent three weeks at Rome, returning through Switzerland. The diary was kept by his servant, 'Richard Smith, gentleman', who unfortunately wrote 'a very crabbed hand' and found great difficulty in spelling the names of places which he learnt only by ear. Many of the German towns through which the travellers passed appear in forms which sometimes defy recognition; but Mr. Yeames has transcribed his text accurately, and a careful collation of a large number of puzzling names with the manuscript enables us to say that we have found no instance in which Mr. Yeames has made a mistake worth mentioning. We can, however, read 'Sigiglio' on fol. 45b, where the editor gives only 'Sig.', and thus confirm his identification with Sigillo. It is strange that he should have failed to see that 'Olsera' (= Urseren) on fol. 52b means Hospenthal. 'Richard Smith', says Mr. Yeames,

was quick to note the manners of the people as they appeared to him in the inn or the market-place, and to describe with curious detail the fashions of their dress. He was interested in agriculture, and observed the crops and fruits which were cultivated by the road. . . . He remarks singular ways of building, and is warm in his praise of Antwerp, of Augsburg, of the Cathedral of Florence, and, with some hesitation, of that of Siena. Rome depressed him. Like his contemporary, Du Bellay, he found but little trace of its ancient splendour, but he admired the Vatican, to which Pius IV was then adding, and foresaw the magnificence of St. Peter's. His description of Rome, however, is so brief that he is clearly more at home in the fields and the inns by the road than in a city which bewildered him.

It should have been noticed that, as the writer reckoned the year from Lady Day, his tour belongs not to 1563 but to 1564. This accounts for his finding no general council assembled at Trent.

R. L. P.

In connexion with this subject we may mention three interesting papers on *Seventeenth-Century Travel in Europe* by Mr. Malcolm Letts, which appeared in *Notes and Queries* for 17, 22, and 29 July. They bring together materials, with full references, from Fynes Moryson onwards.

B.

The third volume of *Quarter Sessions Records for the County of Somerset*, edited by the Rev. E. H. Bates Harbin (Somerset Record Society, 1912) extends from 1646 to 1660, and includes a number of administration orders similar to those in the two previous volumes; but its special interest lies in the light it throws on the reorganization of local government after the war, and on the opinions of the populace about the political changes of the time. One result of the war was the destruction of a great number of the recognizances, sessions rolls, and other documents of the period (p. xviii). The composition of the magistracy was greatly altered, and there is evidence that the new justices were often unacceptable to the people (pp. xx-xxiv). The war made the expense of repairing bridges and county buildings exceptionally heavy and added a considerable charge for the maintenance of maimed soldiers (pp. xxv-xxx). Many persons were punished for abusing the new government and its adherents; a lime burner for wishing he had Cromwell and Fairfax in his kiln, another for saying 'a plague split the parliament', a third for calling the king's judges a company of rogues'. One William Diggory was informed against for drinking the health of Charles II with these words:

Let us drink, let us sing,
Here's a health to our king;
It will never be well
Till we have one again (p. 347).

Mr. Aymes, who said on hearing one of Cromwell's proclamations read, 'Wee will have no new laws here', clearly voiced the popular feeling (p. xxxvii). The state of religion is illustrated by a number of complaints against Quakers for interrupting divine service, and by cases illustrating the enforcement of sabbatarian legislation and the suppression of wakes and revels (pp. xli, xlvi, xlix). Mr. Bates Harbin comes to the conclusion that there was a distinct deterioration in the manners and morals of Somersetshire during the fifteen years which followed the war (p. xliii). This conclusion is, we think, borne out by the North Riding records for the same period. The documents contain a certain amount of information on economic as well as social history. The editor draws attention to one which relates to lead-mining (p. li). There is also a series of sessional orders fixing the scale of wages (pp. 67, 121, 211, 236, 263), which seem to show that the law was more effectively carried out in Somerset than in most counties. The volume is certainly a very useful addition to the materials for the history of the Commonwealth and Protectorate.

C. H. F.

An Address from the Gentry of Norfolk and Norwich to General Monck in 1660 has been published, with an introduction by Mr. Hamon Le Strange and biographical notes by Mr. Walter Rye (Norwich: Jarrold, 1913). The original of this address was amongst the Townshend heirlooms dispersed in 1911. It was bought by the corporation of Norwich, and is now in the public library. The address is like the rest of those presented to Monck during his march to London, and prays for the restoration of the secluded members. Its interest lies in the preservation of many

sheets of names attached to it. These have been transcribed and indexed, and Mr. Rye has added many valuable biographical notes. Facsimiles of the signatures are given, together with eight portraits of the most important persons who signed. In the preface it is suggested that the address, through some accident, was never presented to Monck, and that this explains its presence amongst the Townshend papers (pp. 12, 25). In *Mercurius Politicus* for 26 January to 2 February 1660 the presentation of the declaration (or address) to the Speaker is mentioned: it took place at the Rolls House on Saturday, 28 January. Lord Richardson, Sir John Hobart, and Sir Horatio Townshend delivered it. Monck was then at St. Albans, where he remained till 2 February, and did not enter London till 3 February. No doubt the presentation was postponed in order to collect more signatures. The readmission of the secluded members on 21 February rendered its presentation unnecessary.

C. H. F.

Samuel Burdy's *Life of Philip Skelton*, published in 1792, is not unknown to students of the social and religious history of Ireland in the eighteenth century. It gives an artless and thoroughly sincere picture of a clergyman who showed how the Christian virtues may flourish in a church which was not in its most vitalizing period. Skelton's contributions to apologetic theology belong to a past age; but his vigorous character and his life of humble self-denial are well worthy of remembrance, and we are grateful to Dr. Norman Moore for re-editing the biography (Oxford: Clarendon Press, 1914).

C.

The museum at Halifax contains a collection of about 130 broadsides presented to it by Mr. John Leyland. Of these 33 are reproduced at length in *War Ballads and Broadsides of Previous Wars, 1779-95, Bankfield Museum Notes* (Halifax, 1915), edited by Messrs. H. Ling Roth and J. T. Jolly. Amongst them are four notices relating to recruiting in 1793: an additional bounty was to be raised to encourage recruits and a fund for supplying soldiers in Flanders with flannel waistcoats and other woollen articles. There are also two new songs, one on the Manchester Volunteers, the other on Colonel Leigh's Light Dragoons. The other military songs include a couple on the duke of York's campaign in Flanders and his capture of Valenciennes. There are also several naval ballads, notably two on Rodney, one on the loss of the *Royal George* and another on the capture of the *Dumouriez* privateer. Half a dozen ballads illustrate the impression produced by the overthrow of the monarchy in France, of which two on the execution of Louis XVI and another against the *émigrés* are the most interesting. Altogether, this is a good selection, but it is unfortunate that the editors did not add a list of the remainder. Some of the ballads reprinted are unique, and possibly some of those unprinted may be so too.

C. H. F.

The French Revolution in San Domingo, by Mr. T. Lothrop Stoddard (Boston: Houghton Mifflin, 1914), is a painstaking book, with an exhaustive bibliography and a very large number of not very important notes

concealed at the end of the volume. It tells the story of the struggle of the black majority with the white minority for supremacy and the victory of the black. The fundamentals of colonial policy before the Revolution were an aristocratic planter society, slave-labour, the strict maintenance of the colour line, the limitation of commerce to exchange between the mother country and the colony, and direct political control by the central government. At the beginning of the Revolution the planter caste, who were only a portion of the white minority, attacked these last two principles and inevitably excited an inquiry into the position of the slaves, who were more than ten times as numerous, and of the 'free people of colour', who, though small in number, possessed a great deal of the wealth of this extraordinarily prosperous colony. For ten years the policy of the government varied, according to its lights, between the extremes of autocratic control, and complete equality, based not only on the abolition of the colour line but of slavery itself. Meanwhile, the island was ruined by a savage and ruthless struggle between the white, mulatto, and black castes, in which first one and then the other gained the supremacy, and which ended in the destruction by yellow fever of Napoleon's large expedition, the annihilation of the whites, and the complete ascendancy of the blacks. Every European would agree with Mr. Stoddard in deploring the passing of the French control, but he, as an American, finds it hard to see any good in the negro rule and does scant justice to that most remarkable man, Toussaint Louverture. He does not add materially to our knowledge of him, his description lacks the charm and coherence of Captain Harry Graham's little sketch, and it leaves the character of the Napoleon of San Domingo more of an enigma than ever.

M. A. P.

In *A History of the Western Boundary of the Louisiana Purchase, 1819-41* (University of California Publications in History, vol. ii. Berkeley, U.S.A., 1914), Dr. T. M. Marshall, after three introductory chapters, deals exhaustively with the question from the treaty of 1819 until the final survey of the Sabine line in 1841, 'a phase of the subject which has received but slight treatment by historians'. The writer notes among the more important phases of the subject in which he has differed with accepted theory or made some additions to previous knowledge the proof that Napoleon decided to sell Louisiana some months earlier than the date given in Henry Adams's standard history, the conception of the size of Louisiana in the mind of Jefferson, with its far-reaching effect upon subsequent American diplomacy, and the systematic plan of Spain for restricting the limits of the purchase. 'The reason for Wilkinson's betrayal of Burr and for entering into the Neutral Ground Treaty has been the subject of much discussion and various theories have been advanced; the truth of the matter seems to lie in the fact that Wilkinson sold his services to the Spanish Government while he was stationed on the Western frontier. Historians have usually accepted the view that the claim to Texas was given up in exchange for Florida. The writer believes that the purchase of Florida was a foregone conclusion from early in 1818, and thereafter Adams yielded the claim to Texas and advanced a claim to the Oregon country; it would perhaps be more correct to say

that Texas was given up in exchange for claims to the Oregon country. The writer differs fundamentally with the view of some historians regarding the purity of Andrew Jackson's motives concerning Texas. The operations of General Edmund P. Gaines on the Sabine frontier in 1836 have never before been examined critically. Lastly the Sabine Boundary question, during the period of the Texan republic, has heretofore been dismissed without comment.' It is obvious that the entrance of Texas into the American Union made the previous boundary questions of less importance; but the elaborate and painstaking manner in which they are here dealt with is characteristic of Dr. Marshall's very careful and learned monograph.

H. E. E.

Sir William Sleeman's *Rambles and Recollections of an Indian Official*, originally published in 1844, still continues to be one of the best introductions to Indian history, manners, and modes of thought. Mr. Vincent Smith edited it in two volumes in 1893, and has now revised and reissued it in one (London: Milford, 1915). We are glad to see that Mr. Vincent Smith still holds to his opinion of the nature of Indian governments, but surprised at the significant omission of any reference to the real meaning of the Sindhia's investment of five millions in 1887, which may still prove to have very important historical consequences. His statement that 'the best troops now are the Sikhs, Gorkhās, and frontier Muhammedans' is not perhaps free from doubt.

D.

The *Annual Register* is so time-honoured a publication that the appearance of its volume for 1914 (London: Longmans, 1915) was to be expected, though it might with advantage have been deferred. It is the business of such a work to record events with as much freedom from partisanship as can be attained; but it is not its business to make disclosures of what may or may not be true, but what has been jealously kept secret on public grounds, still less to single out facts, if they be facts, for comment as though with a design to give offence to one of the principal allies of this country. In other parts of the work the editor has exercised more self-restraint. But in a time of acute conflict it is a mistake to attempt a reasoned narrative of events, and it would, we think, have been better if the volume for 1914 had either been held back or else confined to a bare summary.

E.

The Bishop of Aberdeen and Orkney has laid students on both sides of the Atlantic under an obligation by publishing, under the title of *Biographical Studies in Scottish Church History* (Milwaukee: The Young Churchman Company, 1914), the lectures delivered by him at Chicago in May of last year. Few living divines are more closely acquainted than Dr. Mitchell with the history of the Scottish episcopal church, or more sensible of the responsibilities which she owes to her past history as well as of her present duties. The biographical element in these studies is as appropriately conceived as it is successfully sustained; and the *catena* which begins with the venerated figure of St. Columba ends not less fitly with a striking picture of the late Bishop Dowden. Inasmuch as

the period spanned by these lectures is not far short of fifteen hundred years, they could hardly be expected to be planned on very symmetrical lines, and the unity which they possess is mainly of an internal kind. But the later days of trial recounted are not less full of human interest than the earlier, and equally abound in problems of ecclesiastical policy. Worthy John Erskine of Dun, 'superintendent of Angus and Mearns', was moderator of the general assembly which reduced episcopacy to a titular institution (the 'Tulchan bishops'), and thus at once staved off and prepared the consummation of which, as the lecturer points out, Andrew Melville, and not John Knox, who had acquiesced in the assembly's conclusion, was the actual author. The life of Archbishop Leighton, whose fame belongs to British theological literature at large, was, as his biographer says of his tenure of the province of Glasgow, a 'campaign of conciliation', and he passed away (dying at an inn, 'as he had often wished to die') without having found a true spiritual home either in England or in Scotland. But the hardest lot would have been that of John Skinner of Linshart, who perhaps hardly ought to be called one of the fathers of the Scottish church, though he was the father of one of its bishops. In his days and those of his son, persecution and indifference had so narrowed the area of their church, that of the four Scottish bishops who took part in the memorable consecration of Samuel Seabury as first bishop of Connecticut in 1784, three resided within the diocese of Aberdeen. *Would have been*—for, though he actually suffered imprisonment in 1753 for his ministrations, he was 'poet' as well as 'presbyter', and the author of *Tullochgorum* was honoured by the praise of Burns. The sufferings of Skinner's times, following on a period of military oppression, were due to penal laws, which at first could only be avoided by 'an inability to see the necessary connexion between Jacobitism and Church principles', and which, from 1748 onwards, refused all toleration to episcopal clergymen in Scottish orders, prohibiting them from ministering except in their own houses to their own family and four additional worshippers. The effect of these laws, which altogether lasted from 1719 to 1792, and which left certain disabilities behind them till so late as 1864, increased and then came to an end under influences which are traced in the last of these lectures. The revival of episcopal church feeling in Scotland dates back to the efforts of James Hope (-Scott) and his friend, W. E. Gladstone, which connect themselves with the foundation of Trinity College, Glenalmond.

A. W. W.

The American Society of Church History was founded by the late Philip Schaff: it engages in the translation of theological works; and is now issuing an edition of Zwingli in English, and preparing a version of the Letters of Servatus Lupus and of his Life of St. Wigbert. But it also has annual meetings at New York, and publishes the papers read at them. The volume for 1912 and 1913 (2nd series, vol. iv. New York: Putnam, 1914) contains several valuable papers and one of unusual importance. The subjects range from Servatus Lupus in the ninth century to the religious history of the American negro, and all are worth reading. It would be well if the address of the president for 1913, Professor

J. C. Ayer of Philadelphia, could be published in some more accessible form. It is entitled 'On the Medieval National Church', and is an extension and confirmation of Maitland's famous argument in his 'Canon Law in the Church of England', with special reference to Lord Justice Phillimore's article on Canon Law in the eleventh edition of the *Encyclopaedia Britannica*. The author produces striking analogies from the church law of several European countries during the middle ages; and in other respects than that of law he has much to teach concerning the *Ecclesia Anglicana*.
E. W. W.

We have received vol. vi (1908-10) and vol. vii (1911-14) of the *Transactions of the Jewish Historical Society of England*. They necessarily contain much matter that is more likely to interest the members of the society than the general public of historical students; and this is the less to be regretted since the main historical work of the society is published in separate volumes. The articles in vol. vi that deserve attention are the following: a paper on 'Alfred and the Mosaic Law', by Dr. Lieberman; one on 'The So-called Conspiracy of Dr. Lopez', by the late Major Martin Hume; a paper on 'The Jew Bill of 1753', with a useful bibliography of pamphlets, by Mr. A. M. Hyamson; another on the 'Satirical and Political Prints' dealing with the same bill, with a catalogue of all the known prints. In vol. vii there is a careful account of 'The Jews of Canterbury', by the Rev. Michael Adler; it may be noted that the author still translates 'Evesque' as 'chief rabbi', in spite of the researches of Dr. H. P. Stokes, and that the Latinity of the documents printed has occasionally suffered at the hands of the transcriber. The paper on Lord George Gordon's conversion to Judaism by Israel Solomons contains some interesting documents and a bibliography, but the author's insistence on the sanity of his hero suggests an undue love of paradox. The printing and paper of the volumes are luxurious.
C. G. C.

In *Palaeography and Court Hand* (Cambridge: University Press, 1915) Mr. Hilary Jenkinson writes to prove a thesis 'that the importance of palaeographical science is at present overrated, while that of the history of administration is dangerously undervalued, in relation to the solution of normal difficulties in the reading of court hand and to the training of students for the purpose of historical research'. It is possible, without decrying palaeography, to find a considerable measure of agreement with him. Students of court hand do not require to become experts in book hand, although they will find it advisable to familiarize themselves with the non-official current hands of the period. They are able to restrict their study to certain limited sections of palaeography. It may readily be conceded that since the various departments of government had each their traditional script in the medieval period, some acquaintance with the different branches of public administration is a necessary preliminary to the study of the varieties of court hand. Nor can it be denied that the individual element in writing is too great to admit of palaeography becoming an exact science. Where the character of the writing is the only indication of date, it is generally unsafe to reduce the limits of date

to a shorter period than half a century; though even so a narrower limit may often be selected as probable, and a document may contain other indications of date which will convert the probability to a certainty, for it is unduly limiting the scope of palaeography to regard it, as Mr. Jenkinson appears to do, as concerned only with the forms of individual letters. Fortunately English official documents usually contain direct evidence as to their date, and it is perfectly true that any one who is solely concerned with this class of records will have few occasions for establishing a date solely on palaeographical grounds, although the proportion of historical students who confine their researches to official records is small. It is equally true that ancient handwritings can generally be mastered by practice, but persons who are thus self-trained have been learning palaeography as M. Jourdain learned prose, and may incidentally have been acquiring some knowledge of administrative history by the same method. By way of supporting his argument that palaeography cannot teach us to date documents accurately, Mr. Jenkinson gives reproductions of eleven membranes of a roll, each the work of a different scribe and all relating to the same piece of business. They furnish an excellent example of the variety of hands existing at one period, a phenomenon that hardly requires proof although illustration is welcome. But Mr. Jenkinson fails to make good his point. None of the hands here exemplified, if taken singly, requires a date outside the first half of the thirteenth century. Considered collectively, they suggested to the present writer the date 1230-40, which he finds, on referring to the text, to be one decade too late. An average of opinions would probably have resulted in the true date (1225) being reached. It is hard that Mr. Jenkinson should appear to underrate a science which he has done much to promote.

H. H. E. C.

Most of the predictions mercilessly dissected by Father Herbert Thurston in *The War and the Prophets* (London: Burns & Oates, 1915) are of trifling interest; but his treatment of the well-known prophecies of St. Malachy about the papal succession is an effective and scholarly piece of work, which may be recommended to historical students. F.

Dr. J. F. Scott's *Historical Essays on Apprenticeship and Vocational Education* (Ann Arbor, Michigan: University Press, 1914) consists of five short chapters dealing mainly with the history of English apprenticeship and two chapters treating of the contemporary problem in the United States. The historical section is based on a careful study of most of the available printed material (*The York Memorandum Book*, which appeared in 1912, is, we think, the most important source neglected): the late emergence of what were once considered the normal gild rules relating to apprenticeship is fully illustrated, and the discussion of the status and prospects of the medieval journeyman, though not exhaustive, is independent and, within its limits, as good as anything on the subject which one can recall. Dr. Scott is among the not very large group of writers who never let themselves forget that there were many towns with no gilds, and many more with an ill-developed gild life, at the close of the middle ages. He refuses—with sufficient reason—to commit

himself even to the view put forward cautiously by Miss Dunlop in her recent book on apprenticeship, that by 1450 'apprenticeship [that is, organized and regulated apprenticeship] was practised by most gilds and towns'. The analysis of the 'Statute of Artificers' and of its aims is interesting, though we are unable to agree with Dr. Scott's statement of the main fresh point in the analysis, that 'it was the intention of the statesmen who drafted the law to divert to agriculture that class of labour which had heretofore been engaged in the domestic industries'. We know much too little about this class in early Tudor and pre-Tudor times to justify this way of putting the matter; though no one would deny the zeal for agricultural employment and the distrust of rural industry shown by the drafters. Perhaps the most valuable essay is the discussion of the enforcement of the statute. Dr. Scott is careful to emphasize the provisional character of his conclusions, but they are of real importance because his study of law reports and legal works is fuller than that of any previous writer. His main conclusion is that the statute did not obstruct 'the development of the domestic system in town or country to any extent'. So far he has found no prosecutions under several typical clauses of the Act, e.g. that regulating the proportion of apprentices to journeymen in certain industries, or the whole group of clauses which tried to impose property qualifications upon apprenticeship in all the higher branches of industry and commerce. No doubt, however, these latter clauses to a great extent, and roughly, enforced themselves. A labourer's son was no more likely to be apprenticed to a goldsmith or to a merchant tailor in the sixteenth century than he is to-day.

J. H. C.

Professor N. Jorga continues his excellent quarterly *Bulletin de la Section historique*¹ of the Rumanian Academy, of which the last two numbers of the second year and the first of the third (Bucarest: Socec, 1914-15) are before us. They contain numerous interesting articles (all, with one exception, by himself) on such subjects as 'The religious foundations of the Rumanian princes in the East', 'Venetian policy in the Black Sea', 'The right of small States to live', and 'Historical reminiscences of the Dardanelles'. He also continues his monthly *Bulletin de l'Institut pour l'Étude de l'Europe sud-orientale*, which contains reviews of all the chief books and articles dealing with Balkan history and politics. W. M.

Miss Margaret E. Noble, otherwise known as the 'Sister Nivedita', made her mark some years ago by the publication of *The Web of Indian Life*, a series of essays on Indian social organization. We have now received two posthumous works by the same hand, both published by Messrs. Longmans. One entitled *Studies from an Eastern Home* (1913) is a collection of slight magazine articles, hardly deserving of resuscitation. The chief interest of the volume lies in the prefixed biographical sketch of the author, a woman whose unselfish and profoundly spiritual life may be heartily commended even by people who are unable to approve of the adoption by an English lady of Hindoo religion and customs. Miss Noble died in October 1911.

¹ *Ante*, xxix. 618.

The second book, *Footfalls of Indian History* (1915), is more substantial, and records the impressions made by the study of Indian history on Miss Noble's peculiar temperament. The principal essay in the book, that entitled 'The Ancient Abbey of Ajanta', contains many acute remarks, the product of an observant mind, eager to clothe with flesh the dry bones of history and resentful at the imperfection of the record. The author was justified in the opinion that for several centuries in the first millennium of the Christian era India held 'a position of undisputed pre-eminence as the leader and head of the intellectual life of Asia'. She followed Mr. Havell in believing that the art of India exercised a dominating influence on that of Europe. The problem thus indicated is one of extreme difficulty, and it is easier to make statements on the subject than it is to prove them. The plate reproducing Mr. Nandu Lal Bose's copy of the fresco in Ajanta Cave No. 1, supposed to depict Buddha on the eve of renouncing the world, is singularly beautiful. 'This picture', Miss Noble thought, 'is perhaps the greatest imaginative presentment of Buddha that the world ever saw.' Some readers may be interested in the comparison between the development of the Indian monastic universities at Nalanda, Ajanta, and elsewhere, with that of Oxford. The criticisms on p. 88 require correction.

V. A. S.

Mr. C. L. Kingsford has published a very interesting and valuable work entitled *The Grey Friars of London, their History with the Register of their Convent* (Aberdeen: University Press, for the British Society of Franciscan Studies, 1915). He omits the Chronicle of the Order, which has already been twice printed, but gives all the other contents of the Register, with an appendix of further documents, especially concerning the suppression and the site of the house. The best-known part of the Register is the list of the monuments in the church, which has often been studied and printed, more or less fully, since the time of Stow. Mr. Kingsford has given it in full, with additions from wills in the Prerogative Court and elsewhere, and with interesting notes. The entries might easily be further illustrated, e.g. from the account of Sir William Oldhall, *ante*, xxv. 715. Though the church continued till the end to be a fashionable place of interment, it is curious to note how in its latter years citizens began to intrude among queens and nobles in the choir and among friars in the cloister. Mr. Kingsford's history of the convent is as full as the data allow; even the list of the guardians has its lacunae. There are many points of interest; for instance, the decline of numbers from a hundred in the fourteenth century to twenty-six at the suppression, of whom two were Observants who had accepted the Henrician position and acquiesced in the dissolution of the house and, as it seems, in the indecorously worded request of their brethren for release. The account of the buildings is admirably clear and instructive. Writing early in the sixteenth century, the author of the Register confesses that the splendour of the church caused criticism, and to silence the 'ignorant' he gives a list of the chief subscribers. Fourteen had contributed £1,940 to the new church, which was in building between 1327 and 1347, in sums ranging from £5 to £700, the gift of Margaret, the second wife of Edward I. In

regard to endowments, which were held for the convent by the Corporation of London, it was not till the fourteenth century that we find lands or houses given except for the site. Apparently 1302 is the first year in which property at a distance was given that the friars might enjoy the rents. But in 1368 they had leased their frontage in Newgate Street to the city, on terms which seem to show that the corporation expected an ample return for the services it was rendering as trustee for the Mendicants.

E. W. W.

In *The Story of Bethlehem Hospital* (London: Fisher Unwin, 1914) by the Rev. E. G. O'Donoghue, we are told that in the year 1247 Simon Fitz Mary, citizen of London, granted to the church of St. Mary at Bethlehem some land on the west side of Bishopsgate Street, that a hospital might be founded there with a prior, canons, brothers, and sisters of the Order of Bethlehem. Whether his plan was carried out at once is uncertain, but there is mention of the master of the house in 1293. In spite of all search, it remains uncertain how, and when, the Hospital of Bethlehem (or Bedlam) was set apart for patients afflicted in mind. The statement of Stow is that there was a hospital of this kind in a stone house at the south end of St. Martin's Lane, and that its inmates were transferred to Bedlam Hospital in the fourteenth century. There is undoubted evidence that in the year 1403 there were lunatics among the inmates of Bedlam, and that the stone house in St. Martin's Lane was already one of the properties of the hospital. The author shows how the hospital was moved first to Wren's beautiful building in Moorfields in 1676, and secondly in 1815 to its present situation in Southwark. The original site was sold to the Great Eastern Railway in 1865-70, and the 'stone house' in St. Martin's Lane was sold in 1830 when Trafalgar Square was made. The author's pointless digressions are irritating, and those who read this book must arm themselves with patience. But it will be found useful by historians, in particular the modern part. The medieval part has the disadvantage that deeds are not given in full, nor in the original language, and is hardly as valuable as the short account in the Victoria County History.

G.

Dr. Henry F. Berry's *History of the Royal Dublin Society* (London: Longmans, 1915) was compiled at the instance of the late Lord Ardilaun, for many years president of the society, and fulfils a long-felt want. The society was founded in 1731 by a few public-spirited Irishmen who deplored the backward state of Irish husbandry and the paucity of Irish manufactures and other useful arts. In reading this record of the society's doings one is astonished at the variety of subjects which engaged its attention and the great number of industries which it fostered—sometimes indeed by methods which Adam Smith criticized severely enough. Dr. Berry's book, however, is not a critical examination of the society's methods, but a careful summary of its main activities in the past. Much of the society's former work is now undertaken on a larger scale by public departments, but all honour is due to the society which, at first entirely out of its own resources, and afterwards with slight aid from public

funds, was a pioneer in many attempts directed towards the economical advancement of Ireland. Mr. R. J. Moss, who has been for many years registrar of the society, is responsible for a chapter explaining the recent changes in the scope of the society consequent on the passing, in 1877, of the Dublin Science and Art Museum Act. G. H. O.

The Parish Register Society ought to feel proud that its publications are being imitated abroad. The Academy of Sciences of Lisbon has recently published, under the able editorship of Mr. Edgar Prestage and Senhor Pedro d'Azevedo, the first of a series of the Parish Registers of Lisbon, which is entitled *Registo da Freguesia de Santa Cruz do Castello desde 1536 até 1628* (Coimbra : Imprensa da Universidade, 1913). Mr. Prestage, who presented the work to the Academy, has written the introduction, but Senhor Pedro d'Azevedo (who has laid all visitors to the Torre do Tombo under a debt of gratitude) is responsible for the correctness of the text, which is printed *in extenso*. The volume does great credit both to the Academy, which defrayed the expense of its publication, and also to the two editors whose names are a guarantee of the care with which their work has been done. As the Torre do Tombo is situated within this parish, one meets not infrequently the name of a former keeper of the records, Damian de Goes, to one of whose children John de Barros stood godfather. The index is the most important part of a work of this nature, and the fifty pages devoted to it here show that the editors are fully alive to its importance. It is of interest to note that the Christian name, Briolanja, which was that of the sister of Christopher Columbus's wife, occurs several times in this volume (pp. 17, 21, 22, and 89). H. P. B.

CORRECTIONS IN THE JULY NUMBER

By an unfortunate accident the revised proofs of Mr. W. E. Lunt's article on Papal Taxation in England in the reign of Edward I, which had been included in the July number in the belief that there was sufficient time for them to be received back from America, did not reach us until after publication. We desire to express our regret that the author's corrections were not included, and are sorry for the annoyance which he must have been caused. In particular, Mr. Lunt desired that the title should be, as he had himself written it, expressed in less comprehensive terms: 'Papal Finance and Royal Diplomacy in the Thirteenth Century; an Episode.' The following errata should be noted:

Page 398, note 2, for 'precedents of taxation' read 'precedents in taxation'.

P. 400, n. 15, for '1653' read 'p. 1653'.

P. 403, n. 40, for 'Jordon' read 'Jordan'.

P. 404, n. 49, for '1697-9' read 'pp. 1697-9'.

P. 405, l. 5 from foot, for 'wilfully' read 'without good reason'.

P. 405, n. 51, for '1704-8' read 'pp. 1704-8'.

P. 407, n. 64, for 'Scriptores, x. 1926' read 'Scriptores x., p. 1926'.

P. 409, n. 89, omit reference to Prynne.

P. 410, l. 6 from foot, for 'the reply' read 'the pope's reply'.

P. 412, n. 114, for 'Europo' read 'Europe'.

P. 415, bottom line, for 'an abbacy' read 'the abbacy'.

Dr. Henry Bradley writes:

'In my review of the Rev. J. B. Johnston's *Place-names of England and Wales* (pp. 558-9) I quoted Mr. Johnston as saying that Carmel, the name of three villages in Wales, "is doubtless *caer moel*, castle on the bare hill". His actual words are (speaking of the three Carmels), "Presumably all W. *caer moel*, 'fort on the bare, round hill'." There is certainly a difference between saying that an absurd etymology is "doubtless" true and saying that it is "presumably" true, and I am sorry to have unintentionally wronged Mr. Johnston to the extent of this difference. Mr. Johnston, who has favoured me with seven sheets filled with the recital of his own merits and my misdeeds, founds on this unfortunate slip a charge of "unscrupulousness in quotation".

In my review of Mr. Walker's *Place-names of Derbyshire*, the name of Sir W. St. John Hope (p. 563, lines 10 and 12) was given by mistake instead of that of Mr. R. C. Hope. On p. 562, line 2, I said that *Aldulfestreo* was "miscopied as *Adulfestreo* by Mr. Walker". It appears that Mr. Walker's error really consisted in preferring the notoriously untrustworthy authority of Thorpe to that of Kemble, although he gave the Kemble reference first. Mr. W. H. Stevenson points out to me the interesting fact that Whatstandwell, which Mr. Walker plausibly enough derived from the Old English personal name Hwætstān, was really called after a Walter Stonewell, who lived in the fourteenth century (*Hist. MSS. Comm., Report on the MSS. of the Duke of Rutland*, iv. 38, 39).'

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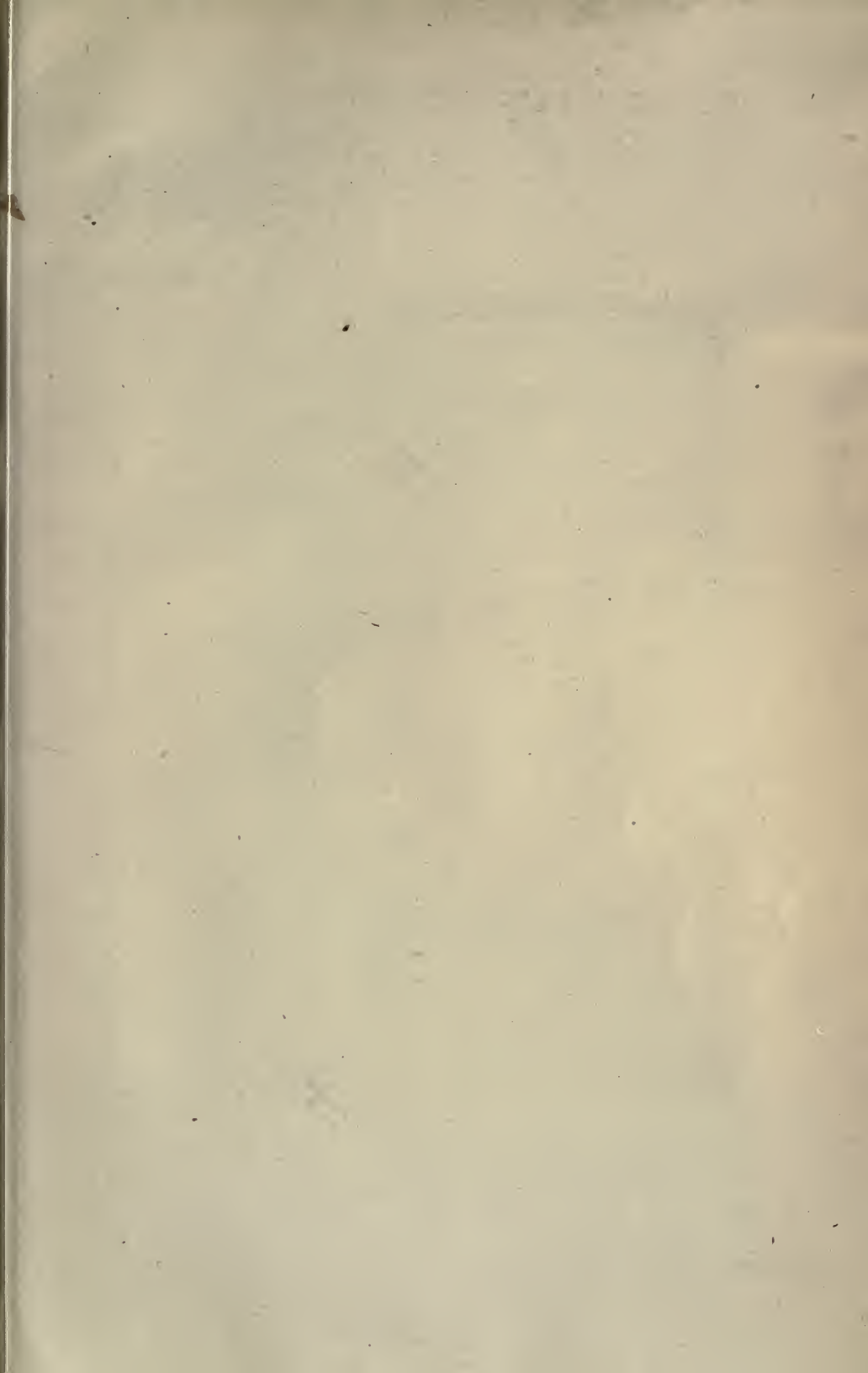
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